

**HOUSE JOURNAL
62ND LEGISLATURE
FIRST LEGISLATIVE DAY**

Helena, Montana
January 3, 2011

House Chambers
State Capitol

Pursuant to the Constitution of the State of Montana, at the hour of 12:00 noon, the House of Representatives of the 62nd Legislature of the State of Montana was called to order by the Honorable Linda McCulloch, Secretary of State of the State of Montana.

The Montana National Guard Youth Challenge Academy under the leadership of Tim Hansen posted the colors. Secretary McCulloch led the Pledge of Allegiance to the Flag. Invocation was given by Professor Michael Miles.

Secretary McCulloch thanked the Montana National Guard Youth Challenge Academy and Professor Michael Miles.

Russell Milburn sang America the Beautiful.

Chief Clerk Beth Cargo called the roll of the members of the House of Representatives of the 62nd Legislature.

District 1, Gerald Bennett
District 2, Mike Cuffe
District 3, Jerry O'Neil
District 4, Derek Skees
District 5, Keith Regier
District 6, Bill Beck
District 7, Randy Brodehl
District 8, Steve Lavin
District 9, Scott Reichner
District 10, Mark Blasdel
District 11, Janna Taylor
District 12, Daniel Salomon
District 13, Pat Ingraham
District 14, Gordon Hendrick
District 15, Joe Read
District 16, Lila Evans
District 17, Christy Clark
District 18, Jesse O' Hara
District 19, Mike Milburn
District 20, Steve Fitzpatrick
District 21, Jean Price
District 22, Trudi Schmidt
District 23, Cydnie (Carlie) Boland
District 24, Brian Hoven
District 25, Cleve Loney

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - JANUARY 3, 2011

District 26, Robert Mehlhoff
District 27, Rob Cook
District 28, Roy Hollandsworth
District 29, Ryan Osmundson
District 30, Bill Harris
District 31, Frank Smith
District 32, Tony Belcourt
District 33, Kristin Hansen
District 34, Wendy Warburton
District 35, Wayne Stahl
District 36, Austin Knudsen
District 37, Walter McNutt
District 38, Matthew Rosendale
District 39, Lee Randall
District 40, Bill McChesney
District 41, Sterling Small
District 42, Carolyn Pease-Lopez
District 43, Duane Ankney
District 44, Jonathan McNiven
District 45, Tom Berry
District 46, Ken Peterson
District 47, James Knox
District 48, Douglas Kary
District 49, Mary McNally
District 50, Tom McGillvray
District 51, Robyn Driscoll
District 52, Virginia Court
District 53, Elsie Arntzen
District 54, Margaret MacDonald
District 55, Cary Smith
District 56, Don Roberts
District 57, Dan Kennedy
District 58, Krayton Kerns
District 59, Joanne Blyton
District 60, David Howard
District 61, John Esp
District 62, Dan Skattum
District 63, Tom Burnett
District 64, Franke Wilmer
District 65, Kathleen Williams
District 66, Mike Phillips
District 67, Gordon Vance
District 68, Kelly Flynn
District 69, Ted Washburn
District 70, Michael More
District 71, Bob Wagner

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - JANUARY 3, 2011

District 72, Jeffrey Welborn
District 73, Pat Noonan
District 74, Max Yates
District 75, Edith McClafferty
District 76, Jon Sesso
District 77, Alan Hale
District 78, Steve Gibson
District 79, Chuck Hunter
District 80, Liz Bangerter
District 81, Galen Hollenbaugh
District 82, Mike Menahan
District 83, Harry Klock
District 84, Mike Miller
District 85, Cynthia Hiner
District 86, Kathy Swanson
District 87, Pat Connell
District 88, Ron Ehli
District 89, Gary MacLaren
District 90, Edward Greef
District 91, Tim Furey
District 92, Bryce Bennett
District 93, Dick Barrett
District 94, Ellie Hill
District 95, Diane Sands
District 96, Carolyn Squires
District 97, Michele Reinhart
District 98, Sue Malek
District 99, Betsy Hands
District 100, Champ Edmunds

All members present. Quorum present.

Linda McCulloch, Secretary of State of the State of Montana, extended greetings to the members on behalf of the State of Montana and then delivered the following speech:

“Good morning and welcome to Day One of Montana’s 62nd Legislative Session. Welcome to Helena and if it is your first Session as a Legislator, welcome to the People’s House. I’d like to introduce you to my Goddaughter who is visiting with me this week and helping me open today’s House Session. Please welcome Ms. Katelyn Weldon. Katelyn is a 6th grader at Blue Creek Elementary School in Billings. Some of you might remember her father, former Senator Jeff Weldon. Welcome to the House, Katelyn! Sixteen years ago in the 54th Legislative Session, I sat in your seat Rep. McClafferty, and then in later sessions, your seat, Rep. Mehlhoff. In that 54th Session, I served with: Lieutenant Governor John Bohlinger (Seat: Rep. O’Neil, 1995-1997) Former Lieutenant Governor Karl Ohs (Seats: Rep. Gibson 1995, Rep. McGillvray 1997-1999) Governor Schweitzer’s Budget Director David Ewer (Seat: Rep. Reinhart, 1995) Public Service Commissioner Brad Molnar (Seat: Rep. Loney 1995-97, Rep.

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - JANUARY 3, 2011

MacLaren 1999) Rep. Squires (Seat: Rep. Frank Smith 1995 and, Rep. Edmunds 1997-99) The stories I could tell about Rep. Squires back in the olden days. It seems to me a good time to start to get to know your fellow Legislators and start to build your own stories and fond memories of your Legislative experience. Let's take a minute and start to build some collegial relationships: How many of you are first time Legislators, House or Senate? Raise your hands, keep them raised and look around at your colleagues. How many of you are serving in the Legislature of two or more years? Raise your hand if you have had family members serve in the Legislature? Anybody have a family member right now - in either the House or the Senate? Did any of you serve as a page in your earlier years? Did any of you visit this Capitol back in the day as a student on a field trip? How many of you drove more than 250 miles to get here to Helena for today? How many of you have served as an elected official in another capacity other than the Legislature (i.e. school board, mayor, county commissioner, etc.)? I remember the opening of my first Legislative Session. I walked into this chamber wondering what would be accomplished. Would my bills pass? What would be the final outcome of the Session? Folks in this chamber and around Montana are wondering what will be the outcome of the 62nd Legislative Session. What will this Legislature be known for? History does keep track of each Legislative Session, some more prominently than others. Will this chamber be known for compromising, or for bickering? Will party-line votes outweigh bipartisan support? And will you and your constituents be proud of the work that's accomplished? One of the early lessons I learned in public service as a young teacher is 'Just because you have the right to do something, doesn't mean it's the right thing to do...Just because you have the right to do something, doesn't mean it's the right thing to do.' Just because one party has the votes to outweigh another party, doesn't mean they should abuse their authority; Just because another party has the power of the veto, doesn't mean they should rely on it; and just because you have all been elected to serve your constituents, doesn't mean you should forget your neighbors. I think this is such an important message that many years ago I typed it on construction paper, using my Apple IIE computer. I hung on a wall in my classroom, I brought it with me to each Legislative Session, it hung in my office at OPI and now you will find it in my office downstairs at the Secretary of State's Office. It's just that important of a message. Just because you have the right to do something, doesn't mean it's the right thing to do. What matters most in the next 90 days, is that each of you has the power to do good work for the people of Montana. No one back home sends you here for negative reasons. Regardless, of whether they voted for you or not, they want you to do good for the people of Montana all the people of Montana. My first session in the House looked a lot like this one. Republicans held a majority over Democrats: 67 to 33. There is one more Republican this Session with 68 Republicans and 32 Democrats. The Senate was also similar with 17 Democrats and 33 Republicans in 1995 and now 22 Democrats and 28 Republicans this Session. In that 1995 Session the Governor was a Republican. Despite a 2 to 1 stronghold, both parties worked well together. Many of us – on both sides of the aisle - were able to pass our bills with strong support. Sure, we disagreed. But we respected each other and considered all opinions before making a decision. Compromise happened then, it's happened since then, and you all have the power to ensure it happens in the next 90 days. You are in this room because your constituents believe in your ability to reason, to work through disagreements, and to approach policy making in a civil manner. They want you to not only stand firm in your beliefs, but also to remember that you work for them – their beliefs matter most. Let's start this session on more than just a promise to work together. Let's start on the other side of the aisle literally! Please stand up. Now I want you to walk across the aisle – and

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - JANUARY 3, 2011

introduce yourself to someone from a different party. Preferably someone whom you do not know. I want you to introduce yourself, shake hands or hug three people not from your own party. You absolutely cannot come back to your own seat until you have met at least three legislators not from your own party. Now get busy! At the end of the day, it's not about Democrat ideas or Republican ideas. It's about ideas that help Montanans. It's about supporting the good ideas, the fair ideas. Remember the issues. Remember the people you work for. Remember: Just because you have the right to do something, doesn't mean it's the right thing to do. And remember that you're on TV! Montanans are watching. Please join me in waving to the Montana school kids all over the state who are watching this ceremony today! What will the 62nd Montana Legislature be known for? The 100 of you sitting in this historic chamber in the seats of past Legislators will decide. The people of Montana await your decisions."

Secretary of State McCulloch introduced the Honorable Mike McGrath, Chief Justice of the Supreme Court of Montana. Representative McNutt and Representative Hollenbaugh escorted Chief Justice McGrath into the chamber.

Chief Justice McGrath administered the following oath of office:

"I do solemnly swear that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana and that I will discharge the duties of my office as a Montana State Representative with fidelity, so help me God. "

Secretary of State McCulloch thanked Chief Justice McGrath, and informed the members of the House of Representatives that he had been advised that all oaths of office had been signed and received. These were presented to the Chief Justice McGrath for his acknowledgment and then filed in the Secretary of State's office.

Secretary of State McCulloch called for nominations for the office of the Speaker of the House. Representative McGillvray nominated Representative Milburn. Representative Sesso moved that the nominations be closed. Motion passed.

Secretary McCulloch declared that Representative Milburn had been duly elected speaker of the House of Representatives for the 62nd Legislature. Representatives Reichner and Sesso escorted Speaker Milburn to the rostrum.

Speaker Milburn thanked Secretary McCulloch, Chief Justice McGrath, Professor Miles, and Mr. Milburn on behalf of the House and Representatives Arntzen and Hunter escorted them from the House.

Speaker Milburn addressed the House.

Representative McGillvray moved the following individuals be nominated as officers as the House of Representatives. Chief Clerk - Beth Cargo. Sergeant-at-Arms - Russ Bean. The House officers were appointed by unanimous consent.

Representative McGillvray moved that Representative Taylor be nominated as Speaker Pro-

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - JANUARY 3, 2011

Tem of the House of Representatives. Representative Taylor was unanimously elected.

Chief Clerk Cargo read the following announcements from the Caucus:

"This is to advise you that the caucuses have elected the following officials." House Majority leader - Representative Tom McGillvray. House Minority Leader - Representative Jon Sesso. House Majority Whips - Representative Gerald Bennett, Representative Keith Regier, Representative Cary Smith and Representative Wendy Warburton. House Minority Whips - Representative Chuck Hunter and Representative Margaret MacDonald. House Minority Caucus Leader - Representative Betsy Hands.

House Minority Leader Representative Sesso addressed the House.

House Majority Leader Representative McGillvray addressed the House.

MOTIONS

House Majority Leader Representative McGillvray moved that the House rules contained in the **HR1** be adopted as the temporary House operating rules of the 62nd Legislature. Motion carried.

House Majority Leader Representative McGillvray moved that the House rules contained in the **SJR1** be adopted as the temporary House operating rules of the 62nd Legislature. Motion carried.

Representative McGillvray moved that the Speaker appoint a committee of two members to notify the Governor, that the House is now organized and ready to do business. Motion carried. Speaker Milburn appointed Rep. O'Hara and Rep. Hands.

Representative McGillvray moved that the Speaker appoint a committee of two members to notify the Senate that the House is now organized and ready to do business. Motion carried. Speaker Milburn appointed Rep. Warburton and Rep. MacDonald.

Representative McGillvray moved that the Speaker appoint a committee of two members to notify the Supreme Court by letter that the House is now organized and ready to do business. Motion carried. Speaker Milburn appointed Rep. Ankney and Rep. McChesney.

Mr. Speaker directed the House to stand at ease to await the report of the Select Committee from the Senate and the three Select Committees of the House.

Speaker Milburn recognized Rep. Kathleen Williams' husband watching from Iraq

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - JANUARY 3, 2011

REPORTS OF SELECT COMMITTEES

A committee from the Senate composed of Senators Lake, Caferro, Kaufman, and Olson were admitted and reported to the House that the Senate was organized and ready for any legislation the House might care to send.

The committee appointed to notify the Senate that the House is ready to do business reported it had done so. The committee was thanked and discharged.

The committee appointed to notify the Governor that the House is ready to do business reported it had done so. The committee was thanked and discharged.

The committee appointed to notify the Supreme Court that the House is ready to do business reported it had done so. The committee was thanked and discharged.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 1, introduced by McNutt (by request of the Legislative Council), referred to Appropriations.

HB 2, introduced by McNutt (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 3, introduced by Mehlhoff (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 4, introduced by Mehlhoff (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 5, introduced by Sesso (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 6, introduced by McChesney (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Appropriations.

HB 7, introduced by Belcourt (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Appropriations.

HB 8, introduced by Sesso (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Appropriations.

HB 9, introduced by Hollenbaugh (by request of the Montana Arts Council and the Office of Budget and Program Planning), referred to Appropriations.

HB 10, introduced by Hollenbaugh (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 11, introduced by Sesso (by request of the Department of Commerce), referred to Appropriations.

HB 12, introduced by Menahan (by request of the Law and Justice Interim Committee), referred to Judiciary.

HB 13, introduced by Hiner (by request of the Office of Budget and Program Planning), referred to Appropriations.

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - JANUARY 3, 2011

HB 14, introduced by Menahan (by request of the Law and Justice Interim Committee), referred to Judiciary.

HB 15, introduced by Schmidt (by request of the Department of Commerce and the Office of Budget and Program Planning), referred to Appropriations.

HB 16, introduced by Di. Barrett (by request of the Revenue and Transportation Interim Committee), referred to Business and Labor.

HB 17, introduced by Hollandsworth (by request of the Revenue and Transportation Interim Committee), referred to Business and Labor.

HB 18, introduced by Taylor, referred to Judiciary.

HB 19, introduced by Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Human Services.

HB 20, introduced by Hendrick (by request of the Law and Justice Interim Committee), referred to Local Government.

HB 21, introduced by Di. Barrett (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

HB 22, introduced by Klock (by request of the Energy and Telecommunications Interim Committee), referred to Federal Relations, Energy, and Telecommunications.

HB 23, introduced by Furey (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

HB 24, introduced by McChesney (by request of the Water Policy Committee), referred to Natural Resources.

HB 25, introduced by Roberts (by request of the Economic Affairs Interim Committee), referred to Business and Labor.

HB 26, introduced by Hollandsworth (by request of the Revenue and Transportation Interim Committee), referred to Appropriations.

HB 27, introduced by K. Peterson, referred to Judiciary.

HB 28, introduced by McNutt (by request of the Water Policy Committee), referred to Natural Resources.

HB 29, introduced by McNiven (by request of the State Auditor), referred to Business and Labor.

HB 30, introduced by C. Smith, referred to Business and Labor.

HB 31, introduced by K. Peterson, referred to Transportation.

HB 32, introduced by K. Peterson, referred to Appropriations.

HB 33, introduced by K. Peterson (by request of the Law and Justice Interim Committee), referred to Judiciary.

HB 34, introduced by Schmidt (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 35, introduced by Schmidt (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Human Services.

HB 36, introduced by Schmidt (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Human Services.

HB 37, introduced by McChesney (by request of the Department of Environmental Quality), referred to Natural Resources.

HB 38, introduced by Boland (by request of the Department of Administration), referred to Appropriations.

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - JANUARY 3, 2011

HB 39, introduced by Hollenbaugh (by request of the Department of Military Affairs), referred to State Administration.

HB 40, introduced by K. Peterson, referred to State Administration.

HB 41, introduced by Stahl (by request of the Department of Administration), referred to Local Government.

HB 42, introduced by Hollenbaugh (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 43, introduced by MacLaren, Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Human Services.

HB 44, introduced by Hoven (by request of the Revenue and Transportation Interim Committee), referred to Business and Labor.

HB 45, introduced by Ingraham (by request of the Department of Administration), referred to State Administration.

HB 46, introduced by Ingraham, referred to Business and Labor.

HB 47, introduced by K. Peterson (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

HB 48, introduced by Hollenbaugh (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 49, introduced by Hands (by request of the Office of Budget and Program Planning), referred to Natural Resources.

HB 50, introduced by K. Peterson, referred to Judiciary.

HB 51, introduced by Di. Barrett (by request of the Department of Environmental Quality), referred to Federal Relations, Energy, and Telecommunications.

HB 52, introduced by Ankney (by request of the Department of Environmental Quality), referred to Natural Resources.

HB 53, introduced by Klock (by request of the Department of Administration), referred to State Administration.

HB 54, introduced by Vance (by request of the Economic Affairs Interim Committee), referred to Agriculture.

HB 55, introduced by Hollenbaugh (by request of the Department of Justice), referred to Transportation.

HB 56, introduced by Belcourt (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 57, introduced by Hiner (by request of the Department of Labor and Industry), referred to Business and Labor.

HB 58, introduced by Belcourt (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

HB 59, introduced by Belcourt (by request of the Energy and Telecommunications Interim Committee), referred to Federal Relations, Energy, and Telecommunications.

HB 60, introduced by MacLaren (by request of the Public Service Commission), referred to Transportation.

HB 61, introduced by MacLaren, referred to Local Government.

HB 62, introduced by MacLaren (by request of the Public Service Commission), referred to Local Government.

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - JANUARY 3, 2011

HB 63, introduced by Noonan (by request of the Department of Revenue), referred to Business and Labor.

HB 64, introduced by Stahl (by request of the Legislative Audit Committee), referred to State Administration.

HB 65, introduced by Menahan (by request of the Supreme Court), referred to Judiciary.

HB 66, introduced by Swanson (by request of the Secretary of State), referred to State Administration.

HB 67, introduced by Menahan (by request of the Law and Justice Interim Committee), referred to Judiciary.

HB 68, introduced by Sands, MacLaren (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Human Services.

HB 69, introduced by Menahan (by request of the Law and Justice Interim Committee), referred to Judiciary.

HB 70, introduced by Menahan (by request of the Public Employees' Retirement Board), referred to State Administration.

HB 71, introduced by Vance, referred to Judiciary.

HB 72, introduced by Hollenbaugh (by request of the Department of Labor and Industry), referred to Business and Labor.

HB 73, introduced by Hollenbaugh (by request of the Department of Labor and Industry), referred to Business and Labor.

HB 74, introduced by Schmidt (by request of the Department of Public Health and Human Services), referred to Human Services.

HB 75, introduced by McClafferty, referred to Appropriations.

HB 76, introduced by Mehlhoff (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

HB 77, introduced by Pease-Lopez (by request of the Department of Administration), referred to State Administration.

HB 78, introduced by Cook (by request of the Public Service Commission), referred to Federal Relations, Energy, and Telecommunications.

HB 79, introduced by Evans (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

HB 80, introduced by Arntzen (by request of the Department of Labor and Industry), referred to Business and Labor.

HB 81, introduced by Roberts (by request of the State Auditor), referred to Judiciary.

HB 82, introduced by Sands, referred to Human Services.

HB 83, introduced by Berry (by request of the Department of Justice), referred to Human Services.

HB 84, introduced by Boland (by request of the Department of Labor and Industry), referred to Business and Labor.

HB 85, introduced by Wilmer (by request of the Public Employees' Retirement Board), referred to State Administration.

HB 86, introduced by Wilmer (by request of the Teachers' Retirement Board), referred to State Administration.

HB 87, introduced by Hunter (by request of the Economic Affairs Interim Committee), referred to Business and Labor.

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - JANUARY 3, 2011

- HB 88**, introduced by Wilmer (by request of the Secretary of State), referred to State Administration.
- HB 89**, introduced by Ingraham (by request of the Commissioner of Political Practices), referred to State Administration.
- HB 90**, introduced by McNutt (by request of the Department of Administration), referred to Business and Labor.
- HB 91**, introduced by Ingraham (by request of the Secretary of State), referred to State Administration.
- HB 92**, introduced by Knudsen (by request of the Public Service Commission), referred to Federal Relations, Energy, and Telecommunications.
- HB 93**, introduced by Furey (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
- HB 94**, introduced by Arntzen (by request of the Department of Labor and Industry), referred to Business and Labor.
- HB 95**, introduced by McNutt (by request of the Department of Labor and Industry), referred to Judiciary.
- HB 96**, introduced by Menahan (by request of the Public Defender Commission), referred to Judiciary.
- HB 97**, introduced by Menahan (by request of the Public Defender Commission), referred to Judiciary.
- HB 98**, introduced by Welborn (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.
- HB 99**, introduced by Ingraham (by request of the Secretary of State), referred to State Administration.
- HB 100**, introduced by Vance, Priest, referred to Business and Labor.
- HB 101**, introduced by MacDonald (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
- HB 102**, introduced by Menahan (by request of the Law and Justice Interim Committee), referred to Judiciary.
- HB 103**, introduced by Fitzpatrick (by request of the Department of Revenue), referred to Taxation.
- HB 104**, introduced by Driscoll (by request of the Public Service Commission), referred to Federal Relations, Energy, and Telecommunications.
- HB 105**, introduced by Driscoll (by request of the State Auditor), referred to Business and Labor.
- HB 106**, introduced by Lavin (by request of the Department of Justice), referred to Judiciary.
- HB 107**, introduced by Hollenbaugh (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
- HB 108**, introduced by Sesso (by request of the Department of Administration), referred to State Administration.
- HB 109**, introduced by MacDonald (by request of the Department of Justice), referred to Judiciary.
- HB 110**, introduced by Welborn (by request of the Department of Labor and Industry), referred to Business and Labor.
- HB 111**, introduced by Stahl (by request of the Department of Revenue), referred to Taxation.

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - JANUARY 3, 2011

HB 112, introduced by Furey (by request of the Department of Revenue), referred to Judiciary.

HB 113, introduced by O'Hara (by request of the Teachers' Retirement Board), referred to State Administration.

HB 114, introduced by O'Hara (by request of the Department of Justice), referred to Judiciary.

HB 115, introduced by MacDonald (by request of the Department of Public Health and Human Services), referred to Human Services.

HB 116, introduced by Ingraham (by request of the Teachers' Retirement Board), referred to State Administration.

HB 117, introduced by Hunter (by request of the Department of Justice), referred to Judiciary.

HB 118, introduced by Hunter (by request of the Economic Affairs Interim Committee), referred to Business and Labor.

HB 119, introduced by Hendrick (by request of the Public Employees' Retirement Board), referred to State Administration.

HB 120, introduced by McGillvray (by request of the Legislative Council), referred to State Administration.

HR 121, introduced by Hands (by request of the Office of Budget and Program Planning), referred to Natural Resources.

HR 122, introduced by Malek (by request of the Public Employees' Retirement Board), referred to State Administration.

HR 123, introduced by McClafferty (by request of the Education and Local Government Interim Committee), referred to Local Government.

HB 124, introduced by Hunter (by request of the State Auditor), referred to Business and Labor.

HB 125, introduced by Klock (by request of the State Auditor), referred to Business and Labor.

HB 126, introduced by Hansen (by request of the Department of Justice), referred to Judiciary.

HB 127, introduced by Noonan (by request of the Department of Justice), referred to Business and Labor.

HB 128, introduced by Noonan (by request of the State Auditor), referred to Business and Labor.

HB 129, introduced by MacLaren (by request of the State Auditor), referred to Human Services.

HB 130, introduced by Ingraham (by request of the Secretary of State), referred to State Administration.

HB 131, introduced by Menahan (by request of the Department of Military Affairs), referred to State Administration.

HB 132, introduced by Hoven (by request of the Department of Revenue), referred to Taxation.

HB 133, introduced by Salomon (by request of the Department of Agriculture), referred to Agriculture.

HB 134, introduced by Squires (by request of the Public Employees' Retirement Board), referred to State Administration.

HB 135, introduced by Squires (by request of the Public Employees' Retirement Board), referred to State Administration.

HB 136, introduced by Schmidt (by request of the Governor), referred to Education.

HB 137, introduced by Reichner (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

HB 138, introduced by Menahan (by request of the Office of Budget and Program Planning), referred to Appropriations.

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - JANUARY 3, 2011

HB 139, introduced by O'Neil (by request of the Department of Public Health and Human Services), referred to Human Services.

HB 140, introduced by Hiner (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 141, introduced by K. Peterson (by request of the Department of Corrections), referred to Judiciary.

HB 142, introduced by Sands, referred to State Administration.

HB 143, introduced by Stahl, referred to Taxation.

HB 144, introduced by Washburn, referred to Fish, Wildlife and Parks.

HB 145, introduced by K. Peterson, referred to State Administration.

HB 146, introduced by K. Peterson, referred to Judiciary.

HB 147, introduced by Regier, referred to Natural Resources.

HB 148, introduced by Kary, referred to Fish, Wildlife and Parks.

HB 149, introduced by O'Hara, referred to Judiciary.

HB 150, introduced by Washburn, referred to Local Government.

HB 151, introduced by Washburn, referred to Fish, Wildlife and Parks.

HB 152, introduced by Washburn, referred to State Administration.

HB 153, introduced by C. Smith, referred to Taxation.

HB 154, introduced by Knox, referred to Education.

HB 155, introduced by Stahl, referred to Natural Resources.

HB 156, introduced by F. Smith, referred to State Administration.

HB 157, introduced by Stahl, referred to Taxation.

HB 158, introduced by K. Peterson, referred to Transportation.

HB 159, introduced by C. Smith, referred to Fish, Wildlife and Parks.

HB 160, introduced by Osmundson, referred to State Administration.

HB 161, introduced by Milburn, referred to Human Services.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 1, introduced by Milburn (by request of the Environmental Quality Council), referred to Fish, Wildlife and Parks.

HJR 2, introduced by Hollandsworth (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

HJR 3, introduced by McClafferty, referred to Federal Relations, Energy, and Telecommunications.

HJR 4, introduced by K. Peterson, referred to Federal Relations, Energy, and Telecommunications.

The following House resolution was introduced, read first time, and referred to committee:

HR 1, introduced by More, (by request of the House Rules Standing Committee) referred to Rules.

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - JANUARY 3, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Bennett introduced the pages of the week:

Katee Mangus of Billings, MT
Savannah Moore of Superior, MT
Michele Reinelt of Superior, MT
Melissa Eder of Columbus, MT
Nathaniel Hemingway of Columbia Falls, MT

Representative McGillvray moved that the House adjourn until 1:00 p.m. , Tuesday, January 4, 2009. Motion carried.

House adjourned at 1:27p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SECOND LEGISLATIVE DAY**

Helena, Montana
January 4, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Howard. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Ankney, Bangerter and Brodehl excused. Quorum present.

BILLS (O'Hara, Chairman):

1/4/2011

Correctly printed: **HB 162.**

Chief Clerk Cargo Announced the staff:

Joyce Nachtsheim, Assistant Chief Clerk
Lindsey Grovom, Secretary to the Chief Clerk
Tahnee Peppenger, Secretary to the Speaker
Connie Reynolds, Assistant Sergeant at Arms, Supplies
Shannyn Henkel, Assistant Sergeant at Arms, Pages
Carl Spencer, Assistant Sergeant at Arms, Security
Charles Humphreys, Security
Ray Todd, Security
Bill Spilker, Security
Ron Morley, Security
Katie Butcher, Journal Clerk
Marshall McEwen, Voting Clerk
David Halvorson, Reading Clerk
Kathy Baird, Bills Clerk
Sandy Bradford, Bills Coordinator
Steve Dogiakos, Bill Status Input
Gordon Higgins, Amendments Coordinator
Amanda Hanson, Bills Distribution
Joanne Gunderson, Secretary Supervisor
KarenDe Herman, Lead Word Processor
Sarah Singer, Word Processor
Susie Hamilton, Scanner
Sandra Sullivan, Committee Secretary, Business and Labor
Karen Armstrong, Committee Secretary, Judiciary
Antoine Brockman, Committee Secretary, Appropriations
Cara Gold, Committee Secretary, Federal Relations and Telecommunications and Fish Wildlife and Parks
Phoebe Williams, Committee Secretary, Local Government
Marissa Stockton, Committee Secretary, Education and Education Subcommittee

HOUSE JOURNAL
SECOND LEGISLATIVE DAY - JANUARY 4, 2011

Lauren Head, Committee Secretary, Agriculture and Natural Resources
Tim Stark, Committee Secretary, State Administration
Lisa Adams, Committee Secretary, Taxation
Cheryl Pesta, Committee Secretary, General Government
Stephanie Fletcher, Committee Secretary, Transportation; Judicial Branch, Law Enforcement & Justice
Mary Ann Mackay, Committee Secretary, Long Range Planning Sub Committee
Rinay Bender, Committee Secretary, Natural Resources Subcommittee
Miranda Keaster, Committee Secretary, Human Services & Human Services Subcommittee
Jamie Balyeat, Committee Aide
Connie Myhre, Committee Aide
Cassie Moyer, Committee Aide
Sally Speer, Committee Aide
Chris Shipp, Majority Aide
Evan Wilson, Majority Aide
Karli Hill, Majority Aide
Jocelyn Galt, Aide
Kirsten McDonnell, Majority Aide
Chris Mora, Minority Secretary
Cari Bohm, Minority Aide
Lucas Hamilton, Minority Aide
Chevon Gade, Minority Aide

Standing Committees Confirmed:

Agriculture

Kerns, Krayton (R) (Ch)
Wagner, Bob (R) (V Ch)
Blyton, Joanne (R)
Clark, Christy (R)
Evans, Lila (R)
Fitzpatrick, Steve (R)
Furey, Timothy (D)
Hale, Alan (R)
Hoven, Brian (R)
Howard, David (R)
MacDonald, Margaret (D)
McClafferty, Edith (Edie) (D)
McNiven, Jonathan (R)
Noonan, Pat (D)
Pease-Lopez, Carolyn (D)
Randall, Lee (R)
Read, Joe (R)
Salomon, Daniel (R)
Small, Sterling (R)

HOUSE JOURNAL
SECOND LEGISLATIVE DAY - JANUARY 4, 2011

Smith, Frank (D)
Williams, Kathleen (D)

Appropriations

McNutt, Walter (R) (Ch)
Beck, Bill (R) (V Ch)
Ankney, Duane (R)
Belcourt, Tony (D)
Brodehl, Randy (R)
Burnett, Tom (R)
Cook, Rob (R)
Cuffe, Mike (R)
Edmunds, Champ (R)
Ehli, Ron (R)
Esp, John (R)
Gibson, Steve (R)
Hiner, Cynthia (D)
Hollandsworth, Roy (R)
Hollenbaugh, Galen (D)
McChesney, Bill (D)
Mehlhoff, Robert (D)
Osmundson, Ryan (R)
Roberts, Don (R)
Schmidt, Trudi (D)
Sesso, Jon (D)

Business And Labor

Arntzen, Elsie (R) (Ch)
Berry, Tom (R) (V Ch)
Boland, Cydnie (Carlie) (D)
Clark, Christy (R)
Court, Virginia (D)
Evans, Lila (R)
Furey, Timothy (D)
Greef, Edward (R)
Hunter, Chuck (D)
Klock, Harry (R)
McNiven, Jonathan (R)
Noonan, Pat (D)
Reichner, Scott (R)
Reinhart, Michele (D)
Rosendale, Matthew (R)
Salomon, Daniel (R)
Small, Sterling (R)

HOUSE JOURNAL
SECOND LEGISLATIVE DAY - JANUARY 4, 2011

Smith, Cary (R)
Squires, Carolyn (D)
Vance, Gordon (R)
Welborn, Jeffrey (R)

Education

Reichner, Scott (R) (Ch)
Hansen, Kristin (R) (V Ch)
Bennett, Bryce (D)
Blasdel, Mark (R)
Blyton, Joanne (R)
Clark, Christy (R)
Evans, Lila (R)
Malek, Sue (D)
McClafferty, Edith (Edie) (D)
McNiven, Jonathan (R)
Price, Jean (D)
Salomon, Daniel (R)
Wagner, Bob (R)
Washburn, Ted (R)
Welborn, Jeffrey (R)
Wilmer, Franke (D)

Ethics

More, Michael (R) (Ch)
Barrett, Dick (D)
Howard, David (R)
MacDonald, Margaret (D)
McGillvray, Tom (R)
O'Neil, Jerry (R)
Regier, Keith (R)

Federal Relations, Energy, and Telecommunications

Klock, Harry (R) (Ch)
Regier, Keith (R) (V Ch)
Boland, Cydnie (Carlie) (D)
Driscoll, Robyn (D)
Kary, Douglas (R)
Knox, James (R)
Knudsen, Austin (R)
MacLaren, Gary (R)
McNally, Mary (D)
Menahan, Mike (D)
O'Hara, Jesse (R)
Peterson, Ken (R)

HOUSE JOURNAL
SECOND LEGISLATIVE DAY - JANUARY 4, 2011

Phillips, Mike (D)
Skees, Derek (R)
Small, Sterling (R)
Stahl, Wayne (R)

Fish, Wildlife, and Parks

Washburn, Ted (R) (Ch)
Welborn, Jeffrey (R) (V Ch)
Boland, Cydnie (Carlie) (D)
Connell, Pat (R)
Court, Virginia (D)
Driscoll, Robyn (D)
Flynn, Kelly (R)
Harris, Bill (R)
Kary, Douglas (R)
Kennedy, Dan (R)
Knudsen, Austin (R)
Loney, Cleve (R)
Miller, Mike (R)
O'Hara, Jesse (R)
Peterson, Ken (R)
Phillips, Mike (D)
Price, Jean (D)
Skattum, Dan (R)
Wilmer, Franke (D)
Yates, Max (R)

Human Services

Howard, David (R) (Ch)
Smith, Cary (R) (V Ch)
Bangerter, Liz (R)
Fitzpatrick, Steve (R)
Furey, Timothy (D)
Hill, Ellie Boldman (D)
Hunter, Chuck (D)
Ingraham, Pat (R)
Kennedy, Dan (R)
More, Michael (R)
Noonan, Pat (D)
Pease-Lopez, Carolyn (D)
Read, Joe (R)
Skattum, Dan (R)
Yates, Max (R)

Judiciary

HOUSE JOURNAL
SECOND LEGISLATIVE DAY - JANUARY 4, 2011

Peterson, Ken (R) (Ch)
Kerns, Krayton (R) (V Ch)
Bangerter, Liz (R)
Driscoll, Robyn (D)
Hansen, Kristin (R)
Harris, Bill (R)
Hill, Ellie Boldman (D)
Howard, David (R)
Loney, Cleve (R)
MacDonald, Margaret (D)
Menahan, Mike (D)
More, Michael (R)
O'Hara, Jesse (R)
Pease-Lopez, Carolyn (D)
Read, Joe (R)
Regier, Keith (R)
Sands, Diane (D)
Skattum, Dan (R)
Wagner, Bob (R)
Warburton, Wendy (R)

Legislative Administration

O'Hara, Jesse (R) (Ch)
McGillvray, Tom (R) (V Ch)
Bennett, Gerald (R)
Boland, Cydnie (Carlie) (D)
Hill, Ellie Boldman (D)
Kerns, Krayton (R)
MacLaren, Gary (R)
Milburn, Mike (R)
Pease-Lopez, Carolyn (D)
Randall, Lee (R)
Regier, Keith (R)
Sands, Diane (D)
Smith, Cary (R)
Squires, Carolyn (D)
Taylor, Janna (R)
Warburton, Wendy (R)

Local Government

MacLaren, Gary (R) (Ch)
More, Michael (R) (V Ch)
Bangerter, Liz (R)
Barrett, Dick (D)
Bennett, Bryce (D)

HOUSE JOURNAL
SECOND LEGISLATIVE DAY - JANUARY 4, 2011

Berry, Tom (R)
Greef, Edward (R)
Hansen, Kristin (R)
Ingraham, Pat (R)
Knox, James (R)
Lavin, Steve (R)
Malek, Sue (D)
McNally, Mary (D)
O'Neil, Jerry (R)
Reinhart, Michele (D)
Rosendale, Matthew (R)
Skees, Derek (R)
Stahl, Wayne (R)
Swanson, Kathy (D)
Vance, Gordon (R)

Natural Resources

Hendrick, Gordon (R) (Ch)
Hoven, Brian (R) (V Ch)
Barrett, Dick (D)
Bennett, Gerald (R)
Connell, Pat (R)
Court, Virginia (D)
Flynn, Kelly (R)
Hale, Alan (R)
Hands, Betsy (D)
Harris, Bill (R)
Loney, Cleve (R)
Miller, Mike (R)
Reinhart, Michele (D)
Warburton, Wendy (R)

Rules

More, Michael (R) (Ch)
Milburn, Mike (R) (V Ch)
Bennett, Gerald (R)
Esp, John (R)
Fitzpatrick, Steve (R)
Hands, Betsy (D)
Hansen, Kristin (R)
Hunter, Chuck (D)
Lavin, Steve (R)
MacDonald, Margaret (D)
McGillvray, Tom (R)
O'Neil, Jerry (R)

HOUSE JOURNAL
SECOND LEGISLATIVE DAY - JANUARY 4, 2011

Peterson, Ken (R)
Phillips, Mike (D)
Reinhart, Michele (D)
Sesso, Jon (D)
Skattum, Dan (R)
Smith, Cary (R)
Warburton, Wendy (R)
Yates, Max (R)

State Administration

Ingraham, Pat (R) (Ch)
Bennett, Gerald (R) (V Ch)
Bennett, Bryce (D)
Blyton, Joanne (R)
Connell, Pat (R)
Hands, Betsy (D)
Hendrick, Gordon (R)
Kary, Douglas (R)
Kennedy, Dan (R)
Knox, James (R)
MacLaren, Gary (R)
McGillvray, Tom (R)
Price, Jean (D)
Skees, Derek (R)
Smith, Frank (D)
Swanson, Kathy (D)
Washburn, Ted (R)
Wilmer, Franke (D)

Taxation

Blasdel, Mark (R) (Ch)
Miller, Mike (R) (V Ch)
Barrett, Dick (D)
Fitzpatrick, Steve (R)
Flynn, Kelly (R)
Hale, Alan (R)
Hoven, Brian (R)
Knudsen, Austin (R)
Lavin, Steve (R)
Malek, Sue (D)
McClafferty, Edith (Edie) (D)
McNally, Mary (D)
O'Neil, Jerry (R)
Phillips, Mike (D)
Randall, Lee (R)

HOUSE JOURNAL
SECOND LEGISLATIVE DAY - JANUARY 4, 2011

Stahl, Wayne (R)
Taylor, Janna (R)
Williams, Kathleen (D)
Yates, Max (R)

Transportation

Vance, Gordon (R) (Ch)
Randall, Lee (R) (V Ch)
Arntzen, Elsie (R)
Berry, Tom (R)
Greef, Edward (R)
Kerns, Krayton (R)
Lavin, Steve (R)
O'Neil, Jerry (R)
Rosendale, Matthew (R)
Sands, Diane (D)
Smith, Frank (D)
Squires, Carolyn (D)
Swanson, Kathy (D)

Joint Subcommittee on Education

Rep. Hollandsworth, Roy (R) (Ch)
Sen. Barrett, Debby (R) (V Ch)
Sen. Hamlett, Bradley Maxon (D)
Sen. Hawks, Bob (D)
Sen. Jones, Llew (R)
Rep. Mehlhoff, Robert (D)
Rep. Osmundson, Ryan (R)

Joint Subcommittee on General Government

Rep. Beck, Bill (R) (Ch)
Sen. Olson, Alan (R) (V Ch)
Sen. Buttrey, Edward (R)
Rep. Edmunds, Champ (R)
Rep. McChesney, Bill (D)
Sen. Wanzonried, David (D)

Joint Subcommittee on Health and Human Services

Rep. Roberts, Don (R) (Ch)
Sen. Lewis, Dave (R) (V Ch)
Rep. Belcourt, Tony (D)
Rep. Burnett, Tom (R)
Sen. Caferro, Mary (D)
Rep. Esp, John (R)
Sen. Priest, Jason (R)

HOUSE JOURNAL
SECOND LEGISLATIVE DAY - JANUARY 4, 2011

Rep. Schmidt, Trudi (D)

Joint Subcommittee on Judicial Branch, Law Enforcement, and Justice

Rep. Gibson, Steve (R) (Ch)
Sen. Zinke, Ryan (R) (V Ch)
Rep. Brodehl, Randy (R)
Sen. Gallus, Steve (D)
Rep. Hiner, Cynthia (D)
Sen. Walker, Edward (R)

Joint Subcommittee on Long-Range Planning

Rep. McNutt, Walter (R) (Ch)
Sen. Brown, Taylor (R) (V Ch)
Rep. Cook, Rob (R)
Rep. Ehli, Ron (R)
Rep. McChesney, Bill (D)
Rep. Sesso, Jon (D)
Sen. Sonju, Jon (R)
Sen. Williams, Carol (D)

Joint Subcommittee on Natural Resources and Transportation

Rep. Ankney, Duane (R) (Ch)
Sen. Ripley, Rick (R) (V Ch)
Sen. Brenden, John (R)
Rep. Cuffe, Mike (R)
Rep. Hollenbaugh, Galen (D)
Sen. Keane, Jim (D)

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 162, introduced by Stahl, referred to Natural Resources.

SPECIAL ORDERS OF THE DAY

Speaker Milburn asked the members to review their calendar.

HOUSE JOURNAL
SECOND LEGISLATIVE DAY - JANUARY 4, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Wednesday, January 5, 2011. Motion carried.

House adjourned at 1:23 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
THIRD LEGISLATIVE DAY**

Helena, Montana
January 5, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Tom McGillvray. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Ankney, excused. Quorum present.

Republicans caucused.

BILLS (O'Hara, Chairman):

1/5/2011

Correctly printed: **HB 163, HB 164, HB 165, HB 166, HB 168.**

Correctly engrossed: **HR 1.**

REPORTS OF STANDING COMMITTEES

RULES (More, Chairman):

1/5/2011

HR 1, introduced resolution, be amended as follows:

1. Page 9, line 5.

Following: "appointed to"

Insert: "at least"

And, as amended, be adopted. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 163, introduced by Hollandsworth, referred to Appropriations.

HB 164, introduced by Hollandsworth, referred to State Administration.

HB 165, introduced by Hollandsworth, referred to Taxation.

HB 166, introduced by Esp, referred to Agriculture.

HB 167, introduced by Regier, Sonju, Olson, Lavin, Hansen, G. Bennett, Windy Boy, Wagner, Hutton, Kerns, Jackson, McGillvray, Blyton, Warburton, Hinkle, Howard, C. Smith, Connell, Ingraham, Zinke, McNiven, K. Peterson, Read, Knox, Miller, Skees, Brodehl, referred to Judiciary.

HB 168, introduced by Klock, referred to Taxation.

HB 169, introduced by Klock, referred to Federal Relations, Energy, and Telecommunications.

HB 170, introduced by Stahl, referred to Local Government.

HB 171, introduced by Ingraham, Brown, Hinkle, referred to Transportation.

HB 172, introduced by Washburn, referred to Fish, Wildlife and Parks.

HOUSE JOURNAL
THIRD LEGISLATIVE DAY - JANUARY 5, 2011

HB 173, introduced by Washburn, referred to Fish, Wildlife and Parks.

HB 174, introduced by Kerns, Vance, Randall, Warburton, Taylor, Kary, Wittich, Miller, C. Smith, Kennedy, referred to Fish, Wildlife and Parks.

HB 175, introduced by Regier, referred to Human Services.

HB 176, introduced by Kary, C. Smith, Salomon, Brown, Cuffe, Balyeat, Essmann, Skees, Greef Regier, Knox, Olson, Blyton, Rosendale, Lewis, referred to Fish, Wildlife and Parks.

MOTIONS

Representative Hendrick moved **HB 107** be moved from the Natural Resources committee to the Taxation committee. Motion passed without objection.

SPECIAL ORDERS OF THE DAY

Chief Clerk Cargo addressed the House about new protocol.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs. Representative McGillvray moved that the House adjourn until 1:00 p.m., Thursday, January 6, 2011. Motion carried.

House adjourned at 1:41 p.m.

BETH CARGO

Chief Clerk of the House

MIKE MILBURN

Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FOURTH LEGISLATIVE DAY**

Helena, Montana
January 6, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Al Wade. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Ankney, Evans, Taylor, and Warburton, excused. Quorum present.

BILLS (O'Hara, Chairman):

1/11/2011

Correctly engrossed: **HR 1.**

Correctly printed: **HB 167, HB 169, HB 170, HB 171, HB 172, HB 173, HB 174, HB 175, HB 176, HB 177, HB 178, HB 179, HB 180, HB 181, HB 182, HB 183, HB 184.**

MESSAGES FROM THE GOVERNOR

January 5, 2011

The Honorable Mike Milburn
Speaker of the Montana House of Representatives
Montana State Capitol
PO Box 200400
Helena, MT 59620

Dear Speaker Milburn,

I request that you consider the date of Wednesday, January 26, 2011 for the State of the State address. The address is traditionally held in the evening in the House Chambers.

Please let me know at your earliest convenience if that date can be confirmed on the schedule of the 62nd Legislature.

I look forward to working with you and your staff on this important occasion.

Sincerely,
BRIAN SCHWEITZER
Governor

HOUSE JOURNAL
FOURTH LEGISLATIVE DAY - JANUARY 6, 2011

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 177, introduced by Kerns, Brenden, C. Smith, Warburton, Balyeat, Hinkle, Kennedy, referred to Fish, Wildlife and Parks.

HB 178, introduced by Howard, O'Hara, Salomon, O'Neil, Miller, Ingraham, Loney, Vance, Wagner, Knox, Lavin, Skees, Yates, MacLaren, Randall, Roberts, Blasdel, referred to Transportation.

HB 179, introduced by Knox, O'Neil, Bangerter, Salomon, Wittich, Taylor, McGillvray, Howard, C. Smith, Jackson, Kerns, Randall, Kary, Skees, Vance, Yates, Kennedy, Brodehl, , G. Bennett, referred to Business and Labor.

HB 180, introduced by Edmunds, referred to State Administration.

HB 181, introduced by Arntzen, referred to Local Government.

HB 182, introduced by Arntzen, referred to Education.

HB 183, introduced by C. Smith, referred to Human Services.

HB 184, introduced by C. Smith, referred to Human Services.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Milburn in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HR 1 - Representative More moved **HR 1**, as amended, do pass.

HR 1 - Representative MacDonald moved **HR 1**, second reading copy, be further amended as follows:

1. Page 11, line 30.

Following: "business"

Insert: "or when excused by the presiding officer of the committee due to illness or an emergency"

Amendment adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel,

HOUSE JOURNAL
FOURTH LEGISLATIVE DAY - JANUARY 6, 2011

Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: None.

Total 0

Excused: Ankney, Evans, Taylor, Warburton.

Total 4

Absent or not voting: None.

Total 0

HR 1 - Representative More moved **HR 1**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Miller.

Total 1

Excused: Ankney, Evans, Taylor, Warburton.

Total 4

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McGillvray moved the Committee of the Whole report be adopted. Motion carried as follows:

HOUSE JOURNAL
FOURTH LEGISLATIVE DAY - JANUARY 6, 2011

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 95

Nays: Miller.
Total 1

Excused: Ankney, Evans, Taylor, Warburton.
Total 4

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Friday, January 7, 2011. Motion carried.

House adjourned at 1:35 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FIFTH LEGISLATIVE DAY**

Helena, Montana
January 7, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Wendy Warburton. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Ankney, Evans, and Taylor, excused. Quorum present.

BILLS (O'Hara, Chairman):

1/7/2011

Correctly enrolled: **HR 1**.

Examined by the sponsor and found to be correct: **HR 1**.

Signed by the Speaker at 15:20 p.m., January 7, 2011: **HR 1**.

Signed by the Chief Clerk of the House at 1:55 p.m., January 7, 2011: **HR 1**.

Correctly printed: **HB 185, HB 186, HB 187, HB 188, HB 189, HB 190, HB 191, HB 192, HB 193, HB 194, HB 198**.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 185, introduced by Berry, Taylor, O'Hara, MacLaren, referred to Human Services.

HB 186, introduced by Hunter, referred to Business and Labor.

HB 187, introduced by Connell, Howard, Regier, Hale, Flynn, referred to Transportation.

HB 188, introduced by Loney, O'Hara, Hollandsworth, Salomon, MacLaren, referred to Business and Labor.

HB 189, introduced by Di. Barrett, Mehlhoff, Kaufmann, Furey, Wanzenried, MacDonald, Menahan, Van Dyk, Keane, Wilmer, referred to State Administration.

HB 190, introduced by B. Bennett, Evans, referred to Business and Labor.

HB 191, introduced by Flynn, Miller, O'Neil, Murphy, referred to Human Services.

HB 192, introduced by O'Neil, F. Smith, Vincent, McChesney, Lavin, Hiner, Greef, Stahl, Klock, Wilmer, referred to Taxation.

HB 193, introduced by Ehli, referred to Appropriations.

HB 194, introduced by Salomon, Lavin, Knox, Taylor, referred to Judiciary.

HB 198, introduced by K. Peterson, Howard, Hollandsworth, Berry, Erickson, McGillvray, Fitzpatrick, Reichner, Driscoll, O'Hara, Belcourt, Reinhart, Mehlhoff, C. Smith, Facey, Knox, Buttrey, F. Smith, referred to Federal Relations, Energy, and Telecommunications.

MOTIONS

Representative Washburn moved **HB 174** be moved from the Fish, Wildlife and Parks committee to the Judiciary committee. Motion passed without objection.

HOUSE JOURNAL
FIFTH LEGISLATIVE DAY - JANUARY 7, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Saturday, January 8, 2011. Motion carried.

House adjourned at 1:15 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SIXTH LEGISLATIVE DAY**

Helena, Montana
January 8, 2011

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Beck. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives D. Barrett, Evans, Phillips, and Taylor, excused. Quorum present.

MOTIONS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 20** Motion carried.

HB 20 (Hendrick Chief Sponsor)
Representative Lavin.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Bennett thanked the pages.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Monday, January 10, 2011. Motion carried.

House adjourned at 8:11 a.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SEVENTH LEGISLATIVE DAY**

Helena, Montana
January 10, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Loney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative F. Smith, excused. Quorum present.

BILLS (O'Hara, Chairman): 1/10/2011

Delivered to the Secretary of State at 4:08 p.m., January 10, 2011: **HR 1.**

Rep. Regier introduced the pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman): 1/10/2011
MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 12:00 p.m., Saturday, January 8, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Katee Mangus - Billings, MT Savannah Moore - Superior, MT Michele Reinelt - Superior, MT Melissa Eder - Columbus, MT Nathaniel Hemingway - Columbia Falls, MT

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, January 10, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Cory Felde - Kalispell, MT Michael Lavin - Kalispell, MT Mariah Naegeli - Trout Creek, MT Whitney Hiner - Anaconda, MT Samantha Loret de Mola - Townsend, MT Jordan Sweeney - Anaconda, MT Jacob Hanson - Billings, MT

Report Adopted.

HOUSE JOURNAL
SEVENTH LEGISLATIVE DAY - JANUARY 10, 2011

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the first, second, third, fourth, fifth, and sixth legislative days, find the same to be correct.

Representative O'Hara, Chair

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 195, introduced by Rosendale, referred to Transportation.

HB 196, introduced by Connell, Hale, referred to Natural Resources.

HB 197, introduced by Hoven, Regier, referred to State Administration.

HB 199, introduced by O'Hara, referred to Judiciary.

HB 200, introduced by O'Hara, referred to Judiciary.

HB 202, introduced by Berry, Essmann, referred to Appropriations.

HB 203, introduced by Menahan, referred to Judiciary.

HB 204, introduced by Salomon, Regier, O'Hara, Brown, Furey, Ripley, referred to Education.

HB 205, introduced by Wagner, Harris, Hendrick, Skattum, Jackson, Wagner, Beck, Salomon, Stahl, Skees, J. Peterson, Howard, Ingraham, Berry, Osmundson, Knox, Miller, O'Neil, Kerns, Regier, Hale, Wittich, Kary, Rosendale, More, Hollandsworth, Blyton, Edmunds, Washburn, O'Hara, McNiven, Brodehl, Buttrey, Kennedy, Warburton, Loney, Randall, Small, Vance, Hinkle, Walker, Knudsen, referred to State Administration.

MOTIONS

Representative Dick Barrett moved **HB 51** be moved from the Federal Relations, Energy, and Telecommunications committee to the Joint Appropriations Subcommittee on Long-Range Planning committee.

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 159** Motion carried.

HB 159 (C. Smith Chief Sponsor)

Representative Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Clark, Connell, Edmunds, Ehli, Evans, Flynn, Hale, Harris, Hendrick, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Milburn, Miller, More, O'Hara, O'Neil, Osmundson, J. Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, Stahl, Taylor, Vance, Wagner, Warburton, Welborn, Yates.

HOUSE JOURNAL
SEVENTH LEGISLATIVE DAY - JANUARY 10, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Tuesday, January 11, 2011. Motion carried.

House adjourned at 1:20 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
EIGHTH LEGISLATIVE DAY**

Helena, Montana
January 11, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Furey. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Ankney, excused. Quorum present.

Rep. Regier introduced page, Michael Lavin of Kalispell.

Rep. McGillvray moved that the Republicans caucus. Without objection, so ordered.

Rep. Sesso moved that the Democrats caucus. Without objection, so ordered.

House Recessed.

House Reconvened.

COMMUNICATIONS AND PETITIONS

BILLS (O'Hara, Chairman):

1/11/2011

Correctly printed: **HB 1, HB 22, HB 38, HB 39, HB 65, HB 96.**

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):

1/10/2011

HB 1, do pass. Report adopted.

HB 38, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 1/10/2011

HB 22, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

1/11/2011

HB 65, do pass. Report adopted.

HB 96, do pass. Report adopted.

HB 97, introduced bill, be amended as follows:

1. Page 3, line 2.

Strike: "(a)"

2. Page 3, line 3.

Strike: "Except as provided in subsection (1)(b), the"

Insert: "The"

HOUSE JOURNAL
EIGHTH LEGISLATIVE DAY - JANUARY 11, 2011

3. Page 3, lines 5 and 6.

Strike: lines 5 and 6

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):
HB 39, do pass. Report adopted.

1/11/2011

MESSAGES FROM THE SENATE

Senate joint resolution passed and transmitted to the House for concurrence:

1/11/2011

SJR 1, introduced by Essmann

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 207, introduced by MacDonald, Wilmer, O'Hara, Hands, Hutton, Furey, Warburton, Price, Salomon, Read, referred to Appropriations.

HB 208, introduced by Welborn, McChesney, Ankney, O'Hara, Debby Barrett, referred to Education.

HB 209, introduced by Washburn, referred to Fish, Wildlife and Parks.

HB 210, introduced by McChesney, referred to Transportation.

HB 211, introduced by Ingraham, referred to Local Government.

HB 212, introduced by Ingraham, referred to Local Government.

HB 213, introduced by Harris, Wagner, referred to Transportation.

HB 214, introduced by Harris, Wagner, referred to Fish, Wildlife and Parks.

HB 215, introduced by Miller, Hendrick, O'Hara, Vance, Skees, Malek, Howard, referred to Education.

HB 216, introduced by Miller, referred to Transportation.

HB 217, introduced by Miller, referred to Taxation.

HB 218, introduced by Miller, Hendrick, referred to Transportation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 1, introduced by Essmann, More, referred to Rules.

MOTIONS

Representative C. Smith moved **HB 30** be moved from the Business and Labor committee to the Human Services committee.

Representative C. Smith moved **HB 153** be moved from the Taxation committee to the Human Services committee.

HOUSE JOURNAL
EIGHTH LEGISLATIVE DAY - JANUARY 11, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Wednesday, January 12, 2011. Motion carried.

House adjourned at 1:42 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
NINTH LEGISLATIVE DAY**

Helena, Montana
January 12, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Brodehl. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman): 1/12/2011

Correctly printed: **HB 1, HB 22, HB 38, HB 39, HB 41, HB 60, HB 65, HB 74, HB 96, HB 97.**

REPORTS OF STANDING COMMITTEES

TRANSPORTATION (Vance, Chairman): 1/10/2011
HB 60, do pass. Report adopted.

HUMAN SERVICES (Howard, Chairman): 1/10/2011
HB 74, do pass. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman): 1/11/2011
HB 41, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 206, introduced by MacLaren, referred to Human Services.
HB 219, introduced by McGillvray, Essmann, Blasdel, referred to Taxation.
HB 220, introduced by Di. Barrett, referred to Transportation.
HB 221, introduced by Di. Barrett, referred to Appropriations.
HB 222, introduced by Di. Barrett, referred to Taxation.
HB 223, introduced by Di. Barrett, Boland, Kaufmann, Erickson, referred to Taxation.
HB 224, introduced by F. Smith, Sands, McChesney, Reinhart, Wilmer, Stahl, , K. Peterson, Roberts, Hale, Squires, Schmidt, referred to Taxation.
HB 225, introduced by Welborn, referred to Fish, Wildlife and Parks.
HB 226, introduced by Hansen, referred to State Administration.
HB 227, introduced by Wagner, Miller, Jackson, G. Bennett, Vance, Warburton, Blasdel, O'Hara, Yates, Edmunds, Skees, Salomon, Read, Beck, Harris, Hale, Randall, referred to Human Services.
HB 228, introduced by Rosendale, Kary, Edmunds, referred to Fish, Wildlife and Parks.
HB 229, introduced by McNutt, referred to Transportation.

HOUSE JOURNAL
NINTH LEGISLATIVE DAY - JANUARY 12, 2011

HB 230, introduced by Gibson, Burnett, Hollandsworth, Hollenbaugh, Menahan, Hiner, Wilmer, Taylor, O'Hara, Roberts, McChesney, Lewis, Brodehl, Cook, Ripley, Zinke, Kerns, McGillvray, Regier, C. Smith, Warburton, MacLaren, Buttrey, G. Bennett, Walker, Milburn, Osmundson, referred to Appropriations.

HB 231, introduced by Brodehl, Miller, Klock, Greef, Burnett, Lavin, Connell, Jackson, Edmunds, Hale, Gibson, Skees, Taylor, Knox, Randall, O'Neil, Kary, Blasdel, Salomon, Ehli, referred to Local Government.

HB 232, introduced by Connell, referred to Natural Resources.

HB 233, introduced by O'Hara, referred to Federal Relations, Energy, and Telecommunications.

HB 234, introduced by Fitzpatrick, referred to Agriculture.

HB 235, introduced by Fitzpatrick, referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 5, introduced by Regier, Driscoll, Randall, Arntzen, Pease-Lopez, Ingraham, Howard, G. Bennett, C. Smith, Skees, Taylor, McClafferty, McGillvray, referred to Human Services.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollandsworth in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 1 - Representative McNutt moved **HB 1** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

HOUSE JOURNAL
NINTH LEGISLATIVE DAY - JANUARY 12, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 38 - Representative Boland moved **HB 38** do pass. Motion carried unanimously.

HB 22 - Representative Klock moved **HB 22** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Kennedy, Kerns.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 39 - Representative Hollenbaugh moved **HB 39** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith,

Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 81

HOUSE JOURNAL
NINTH LEGISLATIVE DAY - JANUARY 12, 2011

Nays: G. Bennett, Blasdel, Blyton, Burnett, Hale, Harris, Howard, Ingraham, Kennedy, Kerns, More, Osmundson, Peterson, Randall, Regier, Skattum, C. Smith, Wagner, Warburton.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 65 - Representative Menahan moved **HB 65** do pass. Motion carried unanimously.

HB 96 - Representative Menahan moved **HB 96** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 75

Nays: Arntzen, G. Bennett, Berry, Blasdel, Blyton, Cuffe, Edmunds, Hale, Hansen, Hendrick, Ingraham, Kary, Kennedy, Kerns, Knox, Miller, O'Neil, Osmundson, Randall, Skattum, Skees, C. Smith, Vance, Wagner, Warburton.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 97 - Representative Menahan moved **HB 97** do pass. Motion carried unanimously.

Majority Leader McGillvray moved the committee rise and report. Motion carried unanimously. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollandsworth moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock,

HOUSE JOURNAL
NINTH LEGISLATIVE DAY - JANUARY 12, 2011

Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: Belcourt, Driscoll, Hiner, Malek, Phillips, Sands, Schmidt, F. Smith, Squires.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SPECIAL ORDERS OF THE DAY

Chief Clerk Cargo updated the members about services provided.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Thursday, January 13, 2011. Motion carried.

House adjourned at 1:50 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
TENTH LEGISLATIVE DAY**

Helena, Montana
January 13, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Representative Taylor, Speaker Pro Tem, in the Chair. Invocation by Rep. Regier. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Milburn, excused. Quorum present.

BILLS (O'Hara, Chairman): 1/13/2011

Correctly printed: **HB 114, SJR 1.**

REPORTS OF STANDING COMMITTEES

JUDICIARY (Peterson, Chairman): 1/12/2011
HB 114, do pass. Report adopted.

RULES (More, Chairman): 1/12/2011
SJR 1, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence: 1/12/2011

SB 26, introduced by Blewett

Senate bill passed and transmitted to the House for concurrence: 1/12/2011

SB 41, introduced by Shockley

Senate bill passed and transmitted to the House for concurrence: 1/12/2011

SB 72, introduced by Gillan

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced and read first time:
HB 201, HB 237, HB 244, HB 246

The following House bills were introduced, read first time, and referred to committees:

HB 236, introduced by Greef, referred to Business and Labor.

HOUSE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

HB 238, introduced by McChesney, referred to State Administration.

HB 239, introduced by C. Smith, Burnett, Harris, Stahl, Jackson, Osmundson, Howard, Beck, Clark, MacLaren, Hinkle, Milburn, Taylor, Miller, Edmunds, Flynn, Kennedy, Regier, Rosendale, O'Neil, Wittich, Welborn, Ehli, Hale, Hutton, Tutvedt, Buttrey, Skees, Lavin, Kary, McNiven, Knox, Connell, referred to Human Services.

HB 240, introduced by Flynn, Wittich, Skees, Arthun, referred to Judiciary.

HB 241, introduced by Gibson, referred to Transportation.

HB 242, introduced by Miller, Wittich, referred to State Administration.

HB 243, introduced by Kary, Arntzen, Greef, K. Peterson, Berry, McNiven, Edmunds, C. Smith, Warburton, Brodehl, referred to Transportation.

HB 245, introduced by Skees, Wagner, Randall, Kennedy, Kary, Rosendale, Blasdel, Jackson, Taylor, Regier, Loney, McNiven, Edmunds, Hale, More, Howard, Osmundson, Knox, referred to Judiciary.

HB 248, introduced by Miller, referred to Taxation.

HB 249, introduced by Fitzpatrick, referred to Business and Labor.

HB 250, introduced by Menahan, Hansen, referred to Judiciary.

HB 251, introduced by Hoven, referred to Transportation.

HB 252, introduced by Hoven, referred to Transportation.

HB 253, introduced by Hendrick, referred to Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 41 - Representative Stahl moved **HB 41** do pass. Motion carried unanimously. Mr. Speaker voted absentee.

HB 60 - Representative MacLaren moved **HB 60** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

HOUSE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance,
Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: Wagner, Warburton.
Total 2

Voted Absentee: Mr. Speaker, AYE

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 74 - Representative Schmidt moved **HB 74** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: Berry, Peterson.
Total 2

Voted Absentee: Mr. Speaker, AYE

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,

HOUSE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 99

Nays: None.

Total 0

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 1 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: Mr. Speaker.

Total 1

HOUSE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

Absent or not voting: None.

Total 0

HB 22 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 96

Nays: Burnett, Kennedy, Kerns.

Total 3

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

HB 38 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 99

Nays: None.

Total 0

Excused: Mr. Speaker.

Total 1

HOUSE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

Absent or not voting: None.

Total 0

HB 39 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates.

Total 69

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Burnett, Clark, Cuffe, Hale, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Loney, McNiven, More, O'Neil, Osmundson, Peterson, Randall, Regier, Skattum, Skees, C. Smith, Vance, Wagner, Warburton.

Total 30

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

HB 65 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 99

Nays: None.

Total 0

Excused: Mr. Speaker.

Total 1

HOUSE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

Absent or not voting: None.

Total 0

HB 96 passed as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates.

Total 75

Nays: Arntzen, G. Bennett, Berry, Blasdel, Cuffe, Edmunds, Hale, Hansen, Hendrick, Ingraham, Kary, Kennedy, Kerns, Knox, Miller, O'Neil, Osmundson, Randall, Skattum, Skees, C. Smith, Vance, Wagner, Warburton.

Total 24

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

HB 97 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 99

Nays: None.

Total 0

Excused: Mr. Speaker.

Total 1

HOUSE JOURNAL
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

Absent or not voting: None.

Total 0

MOTIONS

Representative Wilmer moved to change her vote on **HB 1** from yes to no. Without objection, so ordered.

Representative O'Neil moved to change his vote on **HB 1** from no to yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Friday, January 14, 2011. Motion carried.

House adjourned at 1:37 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
ELEVENTH LEGISLATIVE DAY**

Helena, Montana
January 14, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Representative Taylor, Speaker Pro Tem, in the Chair.
Invocation by Rep. Reichner. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Milburn, excused. Quorum present.

BILLS (O'Hara, Chairman): 1/14/2011

Correctly engrossed: **HB 29, HB 94.**

Correctly printed: **HB 17, HB 23, HB 45, HB 47, HB 54, HB 63, HB 78, HJR 1.**

Rep. Regier thanked the pages.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman): 1/13/2011
HB 54, do pass. Report adopted.

BUSINESS AND LABOR (Arntzen, Chairman): 1/13/2011
HB 29, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "DIVORCE AND"

Following: "MILITARY"

Strike: "SERVICE"

Insert: "DEPLOYMENT OVERSEAS"

Following: "AS"

Insert: "AN"

2. Title, page 1, line 6.

Strike: "EVENTS"

Insert: "EVENT"

3. Page 3, line 24.

Following: ":",₁

Insert: "or"

4. Page 3, line 25.

Strike: subsection (v) in its entirety

Renumber: subsequent subsection

5. Page 3, line 26.

HOUSE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 14, 2011

Following: "military"

Strike: "service"

Insert: "deployment overseas"

And, as amended, do pass. Report adopted.

HB 63, do pass. Report adopted.

HB 94, introduced bill, be amended as follows:

1. Title, page 1, line 14 through line 15.

Following: "AND RULEMAKING"

Strike: "AND" on line 14 through "OATH" on line 15

2. Title, page 1, line 21.

Strike: "37-60-304,"

3. Page 18, line 4.

Following: "~~oath~~"

Insert: "under oath"

4. Page 18, line 26 through page 19, line 17.

Strike: section 20 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Arntzen, Chairman):

1/14/2011

HB 17, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman):

1/13/2011

HB 47, do pass. Report adopted.

HB 98, do pass. Report adopted.

HJR 1, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):

1/13/2011

HB 23, do pass. Report adopted.

HB 45, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/13/2011

SB 19, introduced by Shockley

SB 21, introduced by Shockley

SB 31, introduced by Wanzenried

HOUSE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 14, 2011

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 247, introduced by Miller, referred to Taxation.

HB 254, introduced by Vance, Sonju, referred to Transportation.

HB 255, introduced by Wilmer, Hawks, Welborn, Boland, Skattum, McChesney, Wilmer, Hiner, Sesso, Price, O'Neil, McNally, Sands, Swanson, Driscoll, Pease-Lopez, Connell, MacDonald, Flynn, Furey, Hunter, Miller, Schmidt, McNutt, More, Malek, McClafferty, Mehlhoff, B. Bennett, Noonan, Kary, McNiven, Hands, Menahan, Randall, Belcourt, Squires, Reinhart, Arntzen, Reichner, Di. Barrett, Court, Hendrick, Hollenbaugh, O'Hara, F. Smith, Roberts, Lavin, Skees, Phillips, Yates, K. Williams, Hansen, Gibson, Lewis, Jent, Tropila, Branae, Vincent, Blewett, Keane, Windy Boy, Van Dyk, Zinke, De. Barrett, Ripley, Augare, Wanzenried, Hamlett, Wittich, Knudsen, Brodehl, Stewart-Peregoy, Caferro, Essmann, J. Peterson, Brown, Small, Gillan, Lake, Stahl, Evans, Miller, Kerns, Greef, Ankney, Facey, referred to State Administration.

HB 256, introduced by Wilmer, referred to State Administration.

HB 257, introduced by Wilmer, referred to State Administration.

HB 258, introduced by Edmunds, Connell, referred to Business and Labor.

HB 259, introduced by Loney, Cuffe, Evans, Regier, Stahl, referred to Transportation.

HB 260, introduced by Burnett, Wagner, Knox, Edmunds, O'Neil, Lavin, referred to Natural Resources.

HB 261, introduced by Rosendale, Taylor, Lavin, McNiven, referred to Fish, Wildlife and Parks.

HB 262, introduced by Sands, Welborn, Gillan, referred to Appropriations.

The following House bills were referred to committee:

HB 246, introduced by Connell, G. Bennett, referred to Transportation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ingraham in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 114 - Representative O'Hara moved **HB 114** do pass.

HB 114 - Representative Esp moved **HB 114**, second reading copy, be amended as follows:

1. Title, line 6.

Strike: "TO INCREASE" through "BENEFIT AND"

2. Page 4, line 17.

HOUSE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 14, 2011

Strike: "\$5,000"

Insert: "\$3,500"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Welborn, Yates, Mr. Speaker.
Total 52

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollenbaugh, Hunter, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Washburn, Williams, Wilmer.
Total 48

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 114 - Representative O'Hara moved **HB 114**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Welborn, Williams, Wilmer.
Total 56

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Clark, Connell, Cuffe, Edmunds, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Lavin, McGillvray, McNiven, McNutt, Miller, O'Neil, Osmundson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 44

Excused: None.
Total 0

HOUSE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 14, 2011

Absent or not voting: None.

Total 0

SJR 1 - Representative More moved **SJR 1** be concurred in.

SJR 1 - Representative Phillips moved **SJR 1**, second reading copy, be amended as follows:

1. Page 12, line 16.

Following: "Bills"

Insert: ", Bills Proposing Referenda,"

2. Page 12, line 19.

Strike: "and Bills Proposing Referenda"

3. Page 19, line 10.

Strike: "A BILL PROPOSING A REFERENDUM,"

4. Page 19, line 14.

Strike: "BILLS PROPOSING REFERENDA,"

5. Page 19, line 16.

Strike: "and bills proposing referenda"

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 14, 2011

SJR 1 - Representative More moved **SJR 1** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Ingraham moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 80

Nays: Belcourt, Boland, Court, Hiner, Malek, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson.

Total 19

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 14, 2011

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 41 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.
Total 99

Nays: None.
Total 0

Excused: Mr. Speaker.
Total 1

Absent or not voting: None.
Total 0

HB 60 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.
Total 98

Nays: Wagner.
Total 1

HOUSE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 14, 2011

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

HB 74 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Welborn, Williams, Wilmer, Yates.

Total 96

Nays: Berry, Peterson, Washburn.

Total 3

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Saturday, January 15, 2011. Motion carried.

House adjourned at 2:02 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
TWELFTH LEGISLATIVE DAY**

Helena, Montana
January 17, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Esp. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Milburn reminded the members of Martin Luther King Jr Day.

BILLS (O'Hara, Chairman):

1/17/2011

Correctly printed: **HB 58, HB 71, HB 77, HB 141, HB 167.**

Correctly engrossed: **HB 81, HB 155.**

REPORTS OF STANDING COMMITTEES

JUDICIARY (Peterson, Chairman):

1/14/2011

HB 71, do pass. Report adopted.

HB 81, introduced bill, be amended as follows:

1. Title, line 5.

Following: "FUND;"

Insert: "PROVIDING FOR ORDERS AND JUDGMENTS REQUIRING PAYMENT INTO THE
FUND;"

2. Title, line 8.

Strike: "AND"

Insert: ", "

Following: "30-10-103,"

Insert: "AND 30-10-305,"

3. Title, line 9.

Strike: the second "AND"

Insert: ", "

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

4. Page 2, line 2.

Strike: "under [section 3]"

Insert: "by [section 4]"

5. Page 3, lines 29 and 30.

Strike: "to implement [sections 1 through 8], including but not limited to rules"

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HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 17, 2011

6. Page 4, line 20.

Strike: "3"

Insert: "4"

7. Page 10.

Following: line 18

Insert: "Section 11. Section 30-10-305, MCA, is amended to read:

"30-10-305. Injunctions and other remedies -- limitations on actions. (1) If it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of parts 1 through 3 of this chapter or any rule or order under this chapter, the commissioner may:

(a) issue an order directing the person to cease and desist from continuing the act or practice after reasonable notice and opportunity for a hearing. The commissioner may issue a temporary order pending the hearing that:

(i) remains in effect until 10 days after the ~~hearing~~ hearings examiner issues proposed findings of fact and conclusions of law and a proposed order; or

(ii) becomes final if the person to whom notice is addressed does not request a hearing within 15 days after receipt of the notice; or

(b) without the issuance of a cease and desist order, bring an action in any court of competent jurisdiction to enjoin any acts or practices and to enforce compliance with parts 1 through 3 of this chapter or any rule or order under this chapter. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus must be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The commissioner may not be required to post a bond. If the commissioner prevails, the commissioner is entitled to reasonable ~~attorneys'~~ attorney fees as fixed by the court.

(2) A final judgment or decree, criminal or civil, determining that a person has violated parts 1 through 3 of this chapter in an action brought by the commissioner for the violation, other than a consent judgment or decree entered before trial, is prima facie evidence against that person in an action brought against the person under 30-10-307.

(3) The commissioner may, after giving reasonable notice and an opportunity for a hearing under this section, impose a fine not to exceed \$5,000 per violation upon a person found to have engaged in any act or practice constituting a violation of any provision of parts 1 through 3 of this chapter or any rule or order issued under parts 1 through 3 of this chapter. The fine is in addition to all other penalties imposed by the laws of this state and must be collected by the commissioner in the name of the state of Montana and deposited in the general fund. Imposition of any fine under this subsection is an order from which an appeal may be taken pursuant to 30-10-308. If any person fails to pay a fine referred to in this subsection, the amount of the fine is a lien upon all of the assets and property of the person in this state and may be recovered by suit by the commissioner and deposited in the general fund. Failure of the person to pay a fine also constitutes a forfeiture of the right to do business in this state under parts 1 through 3 of this chapter.

(4) (a) An administrative or civil action may not be maintained by the commissioner under this section to enforce a liability ~~founded~~ based on a violation of 30-10-201(1) through (3) or 30-10-202 unless it is brought within 2 years after the violation occurs.

(b) An administrative or civil action may not be maintained by the commissioner under this section to enforce a liability ~~founded~~ based on a violation of parts 1 through 3 of this chapter or any

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 17, 2011

rule or order issued under this chapter, except 30-10-201(1) through (3) and 30-10-202, unless it is brought within 2 years after discovery by the commissioner or the commissioner's staff of the facts constituting the violation.

(c) An action may not be maintained under this section to enforce any liability founded on a violation of parts 1 through 3 of this chapter or any rule or order issued under this chapter unless it is brought within 5 years after the transaction on which the action is based.

(5) The commissioner in an administrative order requiring the payment of restitution or a court in a judicial order or judgment requiring payment of restitution may include a provision requiring a person determined to have violated any provision of parts 1 through 3 of this chapter to contribute an amount to the securities restitution assistance fund created by [section 4]."

Renumber: subsequent sections

8. Page 11.

Following: line 1

Insert: "NEW SECTION. Section 16. Termination. [This act] terminates June 30, 2017."

And, as amended, do pass. Report adopted.

HB 141, do pass. Report adopted.

HB 167, do pass. Report adopted.

NATURAL RESOURCES (Hendrick, Chairman):

1/14/2011

HB 58, do pass. Report adopted.

HB 155, introduced bill, be amended as follows:

1. Title, line 4.

Following: "REQUIRING"

Insert: "DISCHARGE"

2. Title, line 5.

Following: "WETLANDS"

Insert: "USING A WATER CONVEYANCE STRUCTURE"

3. Page 3, line 16.

Following: "requiring"

Insert: "discharge"

Following: "wetlands"

Insert: "using a water conveyance structure"

4. Page 5, line 25.

Following: "requiring"

Insert: "discharge"

Following: "wetlands"

Insert: "using a water conveyance structure"

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 17, 2011

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):
HB 77, do pass. Report adopted.

1/14/2011

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

1/14/2011

SB 32, introduced by Wanzenried

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 263, introduced by Vance, referred to Local Government.

HB 264, introduced by Vance, Sonju, referred to Business and Labor.

HB 265, introduced by Vance, Sonju, referred to Business and Labor.

HB 266, introduced by Sands, Hawks, Larsen, Driscoll, McClafferty, Malek, Wanzenried, Hollenbaugh, Branae, Erickson, McChesney, Dick Barrett, MacDonald, Boland, Facey, Hiner, Hamlett, referred to State Administration.

HB 267, introduced by Sands, Kaufmann, referred to Human Services.

HB 268, introduced by Klock, Steinbeisser, Vuckovich, Noonan, referred to Business and Labor.

HB 269, introduced by Lavin, Noonan, Hollenbaugh, O'Neil, Brodehl, referred to Judiciary.

HB 270, introduced by Lavin, Sonju, Berry, Noonan, Blasdel, Hollenbaugh, O'Neil, Zinke, Brodehl, Salomon, Skees, referred to Transportation.

HB 271, introduced by Kerns, Hinkle, Harris, Vance, Miller, Howard, Randall, Ingraham, Wagner, Wittich, Yates, Kennedy, Hale, Skees, Flynn, Hendrick, Blyton, Blasdel, Taylor, C. Smith, Regier, Warburton, G. Bennett, Hansen, Loney, Read, McGillvray, Knox, O'Neil, Greef, Brodehl, McNiven, Salomon, K. Peterson, Skattum, Vincent, referred to Judiciary.

HB 272, introduced by Flynn, Skattum, Greef, Hendrick, Stahl, C. Smith, Miller, Murphy, Randall, Taylor, Skees, Hale, Kerns, Wagner, O'Neil, Harris, Clark, referred to Fish, Wildlife and Parks.

HB 273, introduced by Mehlhoff, Hollandsworth, Balyeat, Ripley, Belcourt, Loney, Jones, Welborn, Wagner, Olson, referred to Agriculture.

HB 274, introduced by Howard, C. Smith, Skattum, Read, Regier, referred to Judiciary.

HB 275, introduced by Reichner, Sonju, Wagner, Klock, Arntzen, Stahl, Blasdel, Ripley, Randall, Hutton, Lavin, Arthun, Knudsen, Greef, Vance, Tutvedt, Salomon, Rosendale, McNiven, Clark, Welborn, C. Smith, Essmann, referred to Judiciary.

HB 276, introduced by Belcourt, Mehlhoff, referred to Transportation.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 6, introduced by Connell, Cuffe, Hendrick, Greef, Edmunds, Ehli, Salomon, referred to Natural Resources.

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 17, 2011

Rep. Warburton introduced the pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman):

1/17/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 2:00 p.m., Friday, January 14, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Cory Felde, Kalispell Michael Lavin, Kalispell Mariah Naegeli, Trout Creek Whitney Hiner, Anaconda Samantha Loret de Mola, Townsend Jordan Sweeney, Anaconda Jacob Hanson, Billings

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, January 17, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Katie Salomon, Ronan Sarah Edmunds, Missoula Brian Luehr, Helena Bridger Estell, Moccasin Riley Dennis, Charlo Kimberly Suta, Cut Bank Augusta McDonnell, Townsend

Report Adopted.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Phillips in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 17 - Representative Hollandsworth moved **HB 17** do pass.

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 17, 2011

HB 17 - Representative O'Neil moved **HB 17**, second reading copy, be amended as follows:

1. Page 1, lines 14 and 15.

Strike: "All" on line 14 through "basis." on line 15

2. Page 1, line 18.

Strike: "under [section 1]"

Amendment **not** adopted as follows:

Yeas: Connell, Cuffe, Edmunds, Esp, Hale, Hansen, Kennedy, Kerns, Knox, Miller, O'Neil, Osmundson, Regier, Salomon, Warburton.

Total 15

Nays: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 17 - Representative Hollandsworth moved **HB 17** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Hale, Kennedy, Kerns, Knox, McGillvray, Miller, C. Smith, Wagner.

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 17, 2011

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 23 - Representative Furey moved **HB 23** do pass. Motion carried unanimously.

HB 45 - Representative Ingraham moved **HB 45** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: B. Beck, Evans.

Total 2

HB 47 - Representative K. Peterson moved **HB 47** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 17, 2011

Nays: Pease-Lopez.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 54 - Representative Vance moved **HB 54** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: McGillvray, More.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 63 - Representative Noonan moved **HB 63** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 17, 2011

Nays: Blyton, Hale, Hansen, Harris, Howard, Loney, McGillvray, More, Peterson, Reichner, C. Smith, Stahl, Warburton.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 94 - Representative Arntzen moved **HB 94** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

Nays: G. Bennett, Edmunds, Flynn, Hale, Harris, Kennedy, Kerns, Knox, Miller, More, Randall, Skattum, Wagner, Warburton.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 98 - Representative Welborn moved **HB 98** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, Squires, Stahl, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 79

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 17, 2011

Nays: Berry, Blasdel, Cuffe, Evans, Hale, Hendrick, Hoven, Ingraham, Kerns, Knox, Miller, Osmundson, Peterson, Read, Skattum, Skees, F. Smith, Taylor, Vance, Wagner, Warburton.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 1 - Representative Milburn moved **HJR 1** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: Phillips, Price.
Total 2

Excused: None.
Total 0

Absent or not voting: Blasdel.
Total 1

HB 29 - Representative McNiven moved **HB 29** do pass.

HB 29 - Representative Evans moved **HB 29**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

Following: "~~AND~~"

Insert: "DISSOLUTION OF MARRIAGE AND"

2. Page 3, line 24.

Strike: "OR"

3. Page 3, following line 24.

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 17, 2011

Insert: "(v) dissolution of marriage; or"

Renumber: subsequent subsection

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Evans, Fitzpatrick, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Warburton, Williams, Wilmer.

Total 41

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.

Total 59

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 29 - Representative McNiven moved **HB 29** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hands, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 70

Nays: Barrett, B. Bennett, G. Bennett, Boland, Cook, Court, Edmunds, Evans, Furey, Hale, Hansen, Hill, Hoven, Howard, Hunter, Kerns, Loney, MacDonald, Malek, McChesney, McClafferty, Miller, O'Neil, Phillips, Reinhart, Sands, Sesso, Wagner, Williams, Wilmer.

Total 30

Excused: None.

Total 0

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 17, 2011

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Phillips moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 114 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Connell, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Washburn, Welborn, Williams, Wilmer.

Total 55

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Clark, Cuffe, Edmunds, Ehli, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Yates, Mr. Speaker.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 1 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates.

Total 70

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 17, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hiner, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer, Mr. Speaker.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 106**
Motion carried.

HB 106 (Lavin Chief Sponsor)

Representative Brodehl, Hiner, Hollenbaugh, Howard, Menahan, O'Neil , K. Peterson, Regier, Reichner, Skees, Taylor, Augare, Blewett, Buttrey, Jackson, Olson, Sonju, Vincent, Jent, Kaufmann, Larsen.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Tuesday, January 18, 2011. Motion carried.

House adjourned at 2:25 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
THIRTEENTH LEGISLATIVE DAY**

Helena, Montana
January 18, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Smith. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman): 1/18/2011

Correctly printed: **HB 18, HB 44, HB 117, HB 127, HB 171, HB 204, HB 235.**
Correctly engrossed: **HB 195.**

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman): 1/18/2011
HB 44, do pass. Report adopted.
HB 127, do pass. Report adopted.

EDUCATION (Reichner, Chairman): 1/17/2011
HB 204, do pass. Report adopted.

JUDICIARY (Peterson, Chairman): 1/18/2011
HB 18, do pass. Report adopted.
HB 117, do pass. Report adopted.
HB 235, do pass. Report adopted.

TRANSPORTATION (Vance, Chairman): 1/17/2011
HB 171, do pass. Report adopted.
HB 195, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "ADDRESS"

Insert: "UNLESS THE LICENSEE REQUESTS USE OF THE MAILING ADDRESS"

2. Page 1, line 23.

Strike: "Montana mailing address,"

3. Page 1, line 23 through page 1, line 24.

Strike: "if" on line 23 through "address" on line 24

Following: "address" on line 23

Insert: "unless the licensee requests use of the mailing address"

And, as amended, do pass. Report adopted.

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HOUSE JOURNAL
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2011

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/17/2011

SB 27, introduced by Kaufmann
SB 30, introduced by Wanzenried
SB 49, introduced by Branae
SB 59, introduced by Moss
SB 63, introduced by Steinbeisser
SB 87, introduced by Steinbeisser

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 277, introduced by Washburn, referred to Transportation.
HB 278, introduced by Warburton, C. Smith, More, Knox , G. Bennett, Kary, Vance, Wagner, Kerns, O'Neil, Loney, Harris, Blasdel, Read, Ehli, Miller, referred to State Administration.
HB 279, introduced by F. Smith, Belcourt, Evans, Hiner, Pease-Lopez, Malek, Hollenbaugh, Small, O'Neil, Stahl, Read, McChesney, Arntzen, Roberts, Augare, Sands, referred to State Administration.
HB 280, introduced by Ingraham, Howard, Skees, Regier, G. Bennett, Murphy, Blasdel, Rosendale, Kerns, More, Knox, Loney, Reichner, Hinkle, Warburton, Kennedy, Flynn, Hutton, Wagner, Harris, Hale, J. Peterson, referred to Judiciary.
HB 281, introduced by Hands, referred to Judiciary.
HB 282, introduced by Flynn, referred to Fish, Wildlife and Parks.

The following House bill was referred to committee:

HB 244, introduced by Skees, Edmunds, Regier, Hale, Randall, Taylor, Wagner, Howard, Loney, Skattum, Buttrey, Jackson, Blasdel, O'Neil, Ingraham, Salomon, Knox, More, Knudsen, Rosendale, G. Bennett, McGillvray, Osmundson, referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative K. Peterson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 58 - Representative Belcourt moved **HB 58** do pass. Motion carried as follows:

HOUSE JOURNAL
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2011

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 95

Nays: Kary, Kerns, Knox, More, Wagner.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 77 - Representative Pease-Lopez moved **HB 77** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 71 - Representative Vance moved **HB 71** do pass. Motion carried as follows:

HOUSE JOURNAL
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2011

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 60

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Peterson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

Nays: B. Bennett, Boland, Court, Furey, Hands, Pease-Lopez, Phillips, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2011

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 17 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 91

Nays: Hale, Kennedy, Kerns, Knox, McGillvray, Skattum, C. Smith, Vance, Wagner.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 23 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

HOUSE JOURNAL
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 29 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Cuffe, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 71

Nays: Barrett, Belcourt, B. Bennett, Connell, Court, Driscoll, Edmunds, Evans, Furey, Hale, Howard, Hunter, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Miller, O'Neil, Pease-Lopez, Phillips, Reinhart, Sands, Schmidt, Sesso, Squires, Williams, Wilmer.
Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 45 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.

Total 0

HOUSE JOURNAL
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 47 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 54 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

HOUSE JOURNAL
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 63 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Taylor, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

Nays: Hansen, Harris, Howard, McGillvray, Miller, More, Peterson, Reichner, C. Smith, Stahl, Vance, Warburton.

Total 12

Excused: None.

Total 0

Absent or not voting: Barrett, Berry.

Total 2

HB 94 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: G. Bennett, Blasdel, Edmunds, Esp, Flynn, Hale, Harris, Kennedy, Kerns, Knox, Miller, More, Randall, Skattum, C. Smith, Wagner, Welborn.

Total 17

HOUSE JOURNAL
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 98 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: G. Bennett, Blasdel, Cuffe, Evans, Hale, Hendrick, Hoven, Ingraham, Kerns, Knox, Miller, More, Osmundson, Peterson, Randall, Read, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 1 adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Phillips.

Total 1

HOUSE JOURNAL
THIRTEENTH LEGISLATIVE DAY - JANUARY 18, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Representative Read moved to change his vote on **HB 77** from no to yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Wednesday, January 19, 2011. Motion carried.

House adjourned at 1:55 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FOURTEENTH LEGISLATIVE DAY**

Helena, Montana
January 19, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Osmundson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Representative Salomon recognized Lance Corporal Thomas Parker from Ronan for his service and sacrifice in Iraq.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/18/2011

SB 23, introduced by Blewett
SB 36, introduced by Hamlett
SB 60, introduced by Gillan
SB 64, introduced by Steinbeisser
SB 78, introduced by Ripley
SB 95, introduced by Shockley

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 283, introduced by Bangerter, O'Hara, Warburton, Flynn, Vance, Wittich, C. Smith, Klock, Blasdel, Burnett, McGillvray, Reichner, Washburn, Welborn, Loney, Stahl, Arthun, Milburn, Sonju, Vincent, J. Peterson, referred to Business and Labor.
HB 284, introduced by Burnett, C. Smith, Flynn, Kerns, Stahl, referred to Human Services.
HB 285, introduced by Harris, referred to Fish, Wildlife and Parks.
HB 286, introduced by Clark, referred to Agriculture.
HB 287, introduced by Clark, referred to Agriculture.
HB 288, introduced by Sands, Arntzen, Pease-Lopez, Sesso, Hiner, Reinhart, Hollenbaugh, B. Bennett, Hunter, Court, McClafferty, Belcourt, MacDonald, Hands, O'Hara, Furey, Hill, Swanson, Driscoll, Kaufmann, Squires, Boland, Schmidt, Olson, C. Williams, referred to Education.
HB 289, introduced by G. Bennett, Vincent, Warburton, Cuffe, referred to Fish, Wildlife and Parks.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wilmer in the chair.

HOUSE JOURNAL
FOURTEENTH LEGISLATIVE DAY - JANUARY 19, 2011

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 141 - Representative K. Peterson moved **HB 141** do pass. Motion carried unanimously.

HB 44 - Representative Hoven moved **HB 44** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Brodehl.
Total 1

HB 18 - Representative Taylor moved **HB 18** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Fitzpatrick, Flynn, Furey, Greef, Hands, Hansen, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, C. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 72

Nays: Ankney, Belcourt, G. Bennett, Court, Cuffe, Driscoll, Esp, Evans, Gibson, Hale, Harris, Hiner, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Miller, More, Randall, Skattum, Skees, Small, F. Smith, Vance, Wagner, Warburton.
Total 28

HOUSE JOURNAL
FOURTEENTH LEGISLATIVE DAY - JANUARY 19, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 127 - Representative Noonan moved **HB 127** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

Nays: Bangerter, B. Beck, Esp, Howard, Kennedy, McGillvray, McNiven, More, O'Neil, Peterson, Regier, Reichner, Skattum, C. Smith, Wagner.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 204 - Representative Salomon moved **HB 204** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

HOUSE JOURNAL
FOURTEENTH LEGISLATIVE DAY - JANUARY 19, 2011

Excused: None.

Total 0

Absent or not voting: Schmidt.

Total 1

HB 155 - Representative Stahl moved **HB 155** do pass. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, Berry, Blasdel, Clark, Cook, Driscoll, Ehli, Evans, Hansen, Harris, Hiner, Hollandsworth, Hoven, Howard, Kennedy, Klock, Knudsen, MacLaren, McChesney, McClafferty, McGillvray, McNiven, Mehlhoff, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Read, Regier, Roberts, Salomon, Sesso, Small, C. Smith, Stahl, Taylor, Warburton, Yates, Mr. Speaker.

Total 45

Nays: Barrett, B. Bennett, G. Bennett, Blyton, Boland, Brodehl, Burnett, Connell, Court, Cuffe, Edmunds, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hendrick, Hill, Hollenbaugh, Hunter, Ingraham, Kary, Kerns, Knox, Lavin, Loney, MacDonald, Malek, McNally, McNutt, Menahan, Miller, More, Phillips, Price, Randall, Reichner, Reinhart, Rosendale, Sands, Schmidt, Skattum, Skees, F. Smith, Squires, Swanson, Vance, Wagner, Washburn, Welborn, Williams, Wilmer.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wilmer moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

HOUSE JOURNAL
FOURTEENTH LEGISLATIVE DAY - JANUARY 19, 2011

Total 0

Excused: None.

Total 0

Absent or not voting: McChesney, Stahl.

Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 58 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Kary, Kerns, Knox.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 71 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

HOUSE JOURNAL
FOURTEENTH LEGISLATIVE DAY - JANUARY 19, 2011

Total 61

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Welborn, Williams, Wilmer.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 77 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Representative Miller moved to change his vote on **HB 71** from abstaining to yes. Without objection, so ordered.

Representative Vance moved **HB 264** be moved from the Business and Labor committee to the Transportation committee.

HOUSE JOURNAL
FOURTEENTH LEGISLATIVE DAY - JANUARY 19, 2011

Representative Vance moved **HB 265** be moved from the Business and Labor committee to the Transportation committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Thursday, January 20, 2011. Motion carried.

House adjourned at 2:05 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FIFTEENTH LEGISLATIVE DAY**

Helena, Montana
January 20, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Wagner. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman):

1/20/2011

Correctly printed: **HB 40, HB 59, HB 89, HB 92.**

Correctly engrossed: **HB 66, HB 78, HB 91.**

REPORTS OF STANDING COMMITTEES

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 1/19/2011
HB 59, do pass. Report adopted.

HB 78, introduced bill, be amended as follows:

1. Page 3, line 14.

Strike: "are"

Insert: "have"

Following: "50%"

Insert: "of the equity interests, income interests, and voting interests"

And, as amended, do pass. Report adopted.

HB 92, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):

1/20/2011

HB 40, do pass. Report adopted.

HB 66, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "PROVIDING RULEMAKING AUTHORITY;" on line 7

2. Title, page 1, line 8.

Strike: "SECTIONS 2-6-203 AND"

Insert: "SECTION"

3. Page 1, line 12 through page 2, line 1.

Strike: section 1 in its entirety

Renumber: subsequent sections

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HOUSE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 20, 2011

And, as amended, do pass. Report adopted.

HB 89, do pass. Report adopted.

HB 91, introduced bill, be amended as follows:

1. Page 42, lines 23 through 27.

Strike: subsection (4) in its entirety

Renumber: subsequent subsection

2. Page 42.

Following: line 30

Insert: "(5) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is designed to:

(a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

(b) allow it to be used in the United States mail."

3. Page 43, line 9.

Strike: "return"

Insert: "signature"

4. Page 43, line 14.

Strike: "return"

Insert: "signature"

5. Page 43, line 17.

Strike: "return"

Insert: "signature"

6. Page 43, line 19.

Strike: "return"

Insert: "signature"

7. Page 44, line 1.

Strike: "return"

Insert: "signature"

8. Page 44, line 16.

Strike: "return"

Insert: "signature"

9. Page 44, line 17.

Strike: "return"

Insert: "signature"

HOUSE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 20, 2011

10. Page 44, line 18.

Strike: "return"

Insert: "signature"

11. Page 44, line 26.

Strike: "return"

Insert: "signature"

12. Page 46, line 3.

Strike: "return"

Insert: "signature"

13. Page 46, line 10.

Strike: "return"

Insert: "signature"

14. Page 46, line 14.

Strike: "return"

Insert: "signature"

15. Page 46, line 23.

Strike: "return"

Insert: "signature"

16. Page 46, line 29.

Strike: "return"

Insert: "signature"

17. Page 47, line 9.

Strike: "return"

Insert: "signature"

18. Page 47, line 10.

Strike: "return"

Insert: "signature"

19. Page 47, line 17.

Strike: "return"

Insert: "signature"

20. Page 47, line 20.

Strike: "return"

Insert: "signature"

21. Page 47, line 22.

HOUSE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 20, 2011

Strike: "return"

Insert: "signature"

22. Page 47, line 27.

Strike: "return"

Insert: "signature"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/19/2011

SB 4, introduced by Lewis

SB 16, introduced by Brown

SB 67, introduced by Shockley

SB 112, introduced by Hinkle

SB 124, introduced by Ripley

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 290, introduced by Sesso, Furey, Gallus, Noonan, McClafferty, Hiner, Jent, Vuckovich, Hale, Gillan, Larsen, B. Bennett, Facey, Buttrey, Hill, Kaufmann, Keane, Sands, Malek, Augare, Belcourt, Driscoll, Wanzenried, Menahan, Branae, Van Dyk, MacDonald, Wilmer, Reinhart, Swanson, Pease-Lopez, McChesney, Hands, Hollenbaugh, Phillips, Yates, Shockley, C. Williams, referred to Transportation.

HB 291, introduced by Sesso, Wilmer, Noonan, Hiner, Driscoll, Malek, F. Smith, Furey, Yates, Swanson, Hands, Pease-Lopez, Belcourt, Sands, Menahan, McChesney, Reinhart, Keane, McClafferty, referred to Federal Relations, Energy, and Telecommunications.

HB 292, introduced by Kennedy, F. Smith, Evans, Cuffe, Hale, G. Bennett, Klock, Skees, O'Neil, Arntzen, C. Smith, Connell, Yates, Milburn, Brodehl, Hinkle, K. Peterson, Blasdel, Kerns, Hoven, McNiven, Greef, Belcourt, Ankney, Hendrick, Harris, More, Regier, Sonju, Read, Miller, Vance, Rosendale, Flynn, Salomon, Washburn, Lavin, Osmundson, Kary, Berry, Knox, Blyton, Murphy, Skattum, Small, Wagner, Reichner, Welborn, referred to Judiciary.

HB 293, introduced by Connell, referred to Taxation.

HB 294, introduced by Cook, referred to Agriculture.

HB 295, introduced by Cook, referred to Natural Resources.

HB 296, introduced by Sesso, Hollenbaugh, Gillan, Gallus, Wilmer, Swanson, McChesney, Reinhart, MacDonald, O'Hara, Hands, Sands, Belcourt, Yates, Brown, Driscoll, Mehlhoff, Windy Boy, Blewett, McClafferty, Noonan, F. Smith, Wagner, Vuckovich, Jones, Keane, Arthun, Furey, Stahl, Welborn, Schmidt, Zinke, Augare, Caferro, Hiner, Squires, Ankney, C. Williams, Murphy, referred to Appropriations.

HB 297, introduced by Berry, referred to State Administration.

HOUSE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 20, 2011

HB 298, introduced by McNutt, referred to Transportation.

HB 299, introduced by Hansen, Howard, O'Hara, Read, referred to Judiciary.

HB 300, introduced by Flynn, Olson, Klock, Berry, Stahl, Welborn, Balyeat, Ankney, Jackson, Keane, referred to Business and Labor.

HB 301, introduced by Knox, Burnett, More, Regier, G. Bennett, Berry, Ankney, O'Neil, Salomon, Kennedy, Rosendale, Osmundson, Skees, Skattum, McNiven, MacLaren, Wagner, Kerns, Vance, Taylor, referred to State Administration.

HB 302, introduced by Taylor, Howard, Arthun, Arntzen, Blasdel, Steinbeisser, Warburton, Hendrick, Cuffe, Edmunds, Stahl, Beck, Regier, K. Peterson, More, MacLaren, Burnett, Hansen, Lavin, Washburn, Ingraham, Salomon, Harris, Vance, Hollandsworth, Connell, Clark, C. Smith, Miller, Yates, Blyton, Knox, Ankney, Skees, McNiven, O'Hara, Kary, Skattum, Brodehl, Hinkle, Knudsen, Reichner, Kerns, referred to Transportation.

HB 303, introduced by Flynn, referred to Agriculture.

HB 304, introduced by Hendrick, Edmunds, Blasdel, Clark, Balyeat, Skees, Ripley, Howard, Beck, Stahl, referred to Local Government.

HB 305, introduced by Regier, referred to Taxation.

The following House bill was referred to committee:

HB 237, introduced by Menahan, Welborn, Ankney, Belcourt, referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative MacDonald in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 167 - Representative Regier moved **HB 167** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 70

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Phillips, Price,

HOUSE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 20, 2011

Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 29

Excused: None.

Total 0

Absent or not voting: McNutt.

Total 1

HB 195 - Representative Rosendale moved **HB 195** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Clark, Esp, Fitzpatrick, Howard, Loney, MacLaren, Miller, Welborn.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 117 - Representative Hunter moved **HB 117** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

HOUSE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 20, 2011

Nays: Hale.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 235 - Representative Fitzpatrick moved **HB 235** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Taylor.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 81 - Representative Roberts moved **HB 81** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Cuffe, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 56

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McNiven, McNutt, Miller, O'Neil,

HOUSE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 20, 2011

Osmundson, Randall, Read, Rosendale, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton.
Total 44

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman MacDonald moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: B. Bennett, F. Smith, Squires.
Total 3

Excused: None.
Total 0

Absent or not voting: Evans.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 141 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen,

HOUSE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 20, 2011

Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 44 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Ehli.

Total 1

HB 18 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Edmunds, Ehli, Fitzpatrick, Flynn, Furey, Greef, Hands,

HOUSE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 20, 2011

Hansen, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, C. Smith, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 67

Nays: Belcourt, G. Bennett, Clark, Court, Cuffe, Driscoll, Esp, Evans, Gibson, Hale, Harris, Hiner, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Loney, Miller, More, Osmundson, Pease-Lopez, Randall, Sands, Skattum, Skees, Small, F. Smith, Squires, Vance, Wagner, Warburton.
Total 33

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 127 passed as follows:

Yeas: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 84

Nays: Bangerter, B. Beck, Burnett, Esp, Howard, Kennedy, McGillvray, McNiven, More, O'Neil, Peterson, Regier, Reichner, C. Smith, Stahl, Wagner.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 204 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,

HOUSE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 20, 2011

Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Representative McGillvray moved **HB 81** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 195** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Friday, January 21, 2011. Motion carried.

House adjourned at 1:57 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SIXTEENTH LEGISLATIVE DAY**

Helena, Montana
January 21, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Kary. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman): 1/21/2011

Correctly printed: **HB 12, HB 14, HB 21, HB 36, HB 57, HB 62, HB 69, HB 84, HB 107, HB 111, HB 119, HB 250, HB 269.**

Correctly engrossed: **HB 25, HB 61, HB 90, HB 103, HB 126, HB 132, HB 191.**

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman): 1/20/2011
HB 25, introduced bill, be amended as follows:

1. Page 2, line 22.

Following: "substance"

Strike: ".₁"

Insert: ". The requirements of this subsection (1)(d) may not be construed as affecting the rights of an employer to evaluate, discipline, or discharge an employee."

2. Page 4, line 16.

Following: "state."

Insert: "A treatment program may not be disqualified on the basis that it treats only professionals. A treatment program that is accredited by The Joint Commission, formerly the Joint Commission on Accreditation of Healthcare Organizations, or the Commission on Accreditation of Rehabilitation Facilities and licensed in this state must be considered qualified to treat Montana licensed professionals."

3. Page 7, line 10.

Following: "state."

Insert: "A treatment program may not be disqualified on the basis that it treats only professionals. A treatment program that is accredited by The Joint Commission, formerly the Joint Commission on Accreditation of Healthcare Organizations, or the Commission on Accreditation of Rehabilitation Facilities and licensed in this state must be considered qualified to treat Montana licensed professionals."

4. Page 8, line 20.

Following: "state."

Insert: "A treatment program may not be disqualified on the basis that it treats only professionals."

HOUSE JOURNAL
SIXTEENTH LEGISLATIVE DAY - JANUARY 21, 2011

A treatment program that is accredited by The Joint Commission, formerly the Joint Commission on Accreditation of Healthcare Organizations, or the Commission on Accreditation of Rehabilitation Facilities and licensed in this state must be considered qualified to treat Montana licensed professionals."

And, as amended, do pass. Report adopted.

HB 57, do pass. Report adopted.

HB 84, do pass. Report adopted.

HB 90, introduced bill, be amended as follows:

1. Page 4, line 19.

Following: "to a"

Strike: "person who is licensed pursuant to"

Insert: "transaction governed by"

2. Page 4, line 19 through line 16.

Strike: ", as a" on page 4, line 19 through "part 1" on page 4, line 21

3. Page 14, following line 25.

Insert: "(4) The provisions of this part apply to the activities of retail sellers of manufactured homes and recreational vehicles to the extent determined by the United States department of housing and urban development through guidelines, regulations, or interpretive letters."

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Howard, Chairman):

1/19/2011

HB 36, do pass. Report adopted.

HB 191, introduced bill, be amended as follows:

1. Page 2, line 3.

Following: "or"

Insert: "exclusively"

2. Page 2, line 29.

Following: "or"

Insert: "exclusively"

And, as amended, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

1/20/2011

HB 12, do pass. Report adopted.

HB 14, do pass. Report adopted.

HB 69, do pass. Report adopted.

HOUSE JOURNAL
SIXTEENTH LEGISLATIVE DAY - JANUARY 21, 2011

HB 126, introduced bill, be amended as follows:

1. Page 3, line 8.

Following: "45 and 46."

Insert: "If a youth is acquitted in district court of an offense enumerated in subsection (1), the district court shall sentence the youth pursuant to Title 41 for any remaining offense for which the youth is found guilty."

And, as amended, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):	1/21/2011
HB 250 , do pass. Report adopted.	
HB 269 , do pass. Report adopted.	

LOCAL GOVERNMENT (MacLaren, Chairman):	1/20/2011
HB 61 , introduced bill, be amended as follows:	

1. Page 1, line 18.

Strike: "or less than 25 miles an hour on an unpaved road"

Strike: "or"

2. Page 1, line 19.

Following: line 18

Insert: "(d) decreases the limit outside an urban district on an unpaved road to a speed to be determined by the local authority; or"

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 62, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):	1/21/2011
HB 119 , do pass. Report adopted.	

TAXATION (Blasdel, Chairman):	1/21/2011
HB 21 , do pass. Report adopted.	
HB 103 , introduced bill, be amended as follows:	

1. Title, page 1, line 10.

Strike: "2-6-212"

Insert: "15-1-103"

2. Page 2, line 22.

Strike: "2-6-212"

Insert: "15-1-103"

HOUSE JOURNAL
SIXTEENTH LEGISLATIVE DAY - JANUARY 21, 2011

3. Page 2, line 27 through page 3, line 8.

Strike: section 2 in its entirety

Insert: "Section 2. Section 15-1-103, MCA, is amended to read:

"15-1-103. Destruction Disposal of tax records authorized -- procedure. (1) Notwithstanding ~~the any other provisions of any other chapter of this code law,~~ the department of revenue ~~is authorized to destroy~~ may dispose of tax records more than 3 years old ~~as shall be determined to be of no~~ if the records do not have any further value or as provided in subsection (3).

(2) Authorization for ~~destruction disposal~~ of tax records shall must be made by the director of revenue ~~the department~~ or authorized employees of the department. A copy of the authorization and authenticated list ~~shall of the records must~~ shall be maintained by the department.

(3) The department may dispose of original tax records after those records have been reproduced in accordance with rules adopted by the secretary of state in consultation with the state records committee provided for in 2-15-1013. The department shall maintain the reproduction as the public record. The reproduction or certified copy of the reproduction may be used in place of the original in any court or proceeding and has the same force and effect as the original record."

And, as amended, do pass. Report adopted.

HB 107, do pass. Report adopted.

HB 111, do pass. Report adopted.

HB 132, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Strike: "15-44-102,"

2. Page 1, line 23 through line 24.

Strike: "such" on line 23 through "as" on line 24

Insert: "including"

3. Page 1, line 24.

Following: "sales"

Insert: "method for residential condominiums"

Following: "or"

Insert: "the"

Following: "method"

Insert: "for commercial property"

Strike: "may"

Insert: "shall"

4. Page 2, line 19 through line 20.

Strike: "such" on line 19 through "as" on line 20

Insert: "including"

5. Page 2, line 20.

Following: "sales"

HOUSE JOURNAL
SIXTEENTH LEGISLATIVE DAY - JANUARY 21, 2011

Insert: "method for residential condominiums"

Following: "or"

Insert: "the"

Following: "method"

Insert: "for commercial property"

Strike: "may"

Insert: "must"

6. Page 8, line 29 through page 10, line 1.

Strike: section 6 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/20/2011

SB 12, introduced by Erickson

SB 68, introduced by Jent

SB 73, introduced by Murphy

SB 152, introduced by Brown

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 306, introduced by Berry, Warburton, referred to State Administration.

HB 307, introduced by Burnett, Knox, Klock, C. Smith, Skees, Randall, Hale, Kennedy, referred to Business and Labor.

HB 308, introduced by Ingraham, referred to Taxation.

HB 309, introduced by Welborn, Hale, Stahl, B. Bennett, Ripley, Buttrey, Hamlett, F. Smith, Arthun, Olson, Warburton, Randall, Read, Augare, Kerns, Vance, Tutvedt, De. Barrett, Blasdel, J. Peterson, referred to Agriculture.

HB 310, introduced by Blyton, Howard, Hendrick, Ingraham, Wagner, Loney, More, K. Peterson, Knudsen, O'Hara, Regier, Small, Clark, Warburton, Kary, MacLaren, Skees, Blasdel, Taylor, Flynn, C. Smith, Kennedy, Price, Skattum, Yates, McNutt, Jones, Hansen, Burnett, referred to State Administration.

HB 311, introduced by Brodehl, Taylor, Greef, Cuffe, Berry, Burnett, McChesney, Hiner, McNiven, Ehli, Salomon, Osmundson, Edmunds, Blasdel, F. Smith, referred to Business and Labor.

HB 312, introduced by C. Smith, Blasdel, Wagner, Balyeat, Howard, Taylor, Miller, Hale, Regier, Rosendale, O'Hara, Salomon, Edmunds, MacLaren, Beck, O'Neil, More, McGillvray, Skees, Kary, Vance, Yates, Connell, Burnett, K. Peterson, Kerns, Randall, Kennedy, Read, Knox, referred to Human Services.

HB 313, introduced by Washburn, O'Hara, Wanzenried, Furey, Vuckovich, Blewett, Hamlett,

HOUSE JOURNAL
SIXTEENTH LEGISLATIVE DAY - JANUARY 21, 2011

Caferro, Regier, Belcourt, Jent, Branae, Menahan, Stewart-Peregoy, Van Dyk, Mehlhoff, referred to State Administration.

HB 314, introduced by Driscoll, referred to Agriculture.

HB 315, introduced by MacDonald, Brown, McChesney, Branae, McClafferty, McNiven, Moss, referred to Business and Labor.

HB 316, introduced by Cook, Milburn, Hollandsworth, referred to Appropriations.

HB 317, introduced by Cook, Milburn, referred to Appropriations.

HB 318, introduced by Warburton, Stahl, G. Bennett, Brown, Ingraham, Ehli, Blyton, Miller, Salomon, referred to Agriculture.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNally in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 171 - Representative Ingraham moved **HB 171** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Kennedy.

Total 1

HB 59 - Representative Belcourt moved **HB 59** do pass. Motion carried as follows:

HOUSE JOURNAL
SIXTEENTH LEGISLATIVE DAY - JANUARY 21, 2011

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: B. Bennett.
Total 1

Excused: None.
Total 0

Absent or not voting: Kennedy.
Total 1

HB 92 - Representative Knudsen moved **HB 92** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.
Total 96

Nays: Hands, MacDonald, Wilmer.
Total 3

Excused: None.
Total 0

Absent or not voting: Kennedy.
Total 1

HOUSE JOURNAL
SIXTEENTH LEGISLATIVE DAY - JANUARY 21, 2011

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNally moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Kennedy, Mr. Speaker.

Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 167 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

HOUSE JOURNAL
SIXTEENTH LEGISLATIVE DAY - JANUARY 21, 2011

Total 30

Excused: None.

Total 0

Absent or not voting: Kennedy, McNutt.

Total 2

HB 117 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Hale.

Total 1

Excused: None.

Total 0

Absent or not voting: Kennedy.

Total 1

HB 235 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

HOUSE JOURNAL
SIXTEENTH LEGISLATIVE DAY - JANUARY 21, 2011

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Kennedy.

Total 1

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 281**
Motion carried.

HB 281 (Hands Chief Sponsor)
Representative Hiner, Lewis.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 75**
Motion carried.

HB 75 (McClafferty Chief Sponsor)
Representative Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hiner, Hollenbaugh,
MacDonald, Malek, McChesney, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price,
Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.

SPECIAL ORDERS OF THE DAY

***A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA
HONORING THE YMCA***

January 21, 2011

WHEREAS, YMCAs throughout America have provided immeasurable benefits to people of all ages for 160 years and the Montana Alliance of YMCAs has served our communities since 1885 when the first Y was organized in Helena; and

WHEREAS, thousands of families in Montana benefit directly from the YMCA's extensive programming for all ages through their focus on youth development, healthy living, and social responsibility; and

HOUSE JOURNAL
SIXTEENTH LEGISLATIVE DAY - JANUARY 21, 2011

WHEREAS, more than 300 Montana high school students learn about civic responsibility by participating in the annual YMCA Youth in Government program which includes the student legislature program; and

WHEREAS, no person is turned away for inability to pay, the Montana YMCAs provide more than \$2.3 million of annual support to our communities; and

WHEREAS, more than 3,640 individuals volunteer at the Y each year making the Montana Alliance of YMCAs one of the largest volunteer-driven organizations in Montana.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND SENATE OF THE STATE OF MONTANA that the Montana alliance of YMCA's be recognized for its contributions to the citizens of Montana and that January 21, 2011 be declared "Support the Montana Alliance of YMCAs Day."

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Saturday, January 22, 2011. Motion carried.

House adjourned at 1:38 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SEVENTEENTH LEGISLATIVE DAY**

Helena, Montana
January 22, 2011

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. McNiven. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Ankney, Kennedy, Knox, and Reichner, excused. Quorum present.

BILLS (O'Hara, Chairman): 1/22/2011

Correctly printed: **HB 37, HB 76, HB 93, HB 101.**
Correctly engrossed: **HB 52.**

Rep. Warburton thanked the pages.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Hendrick, Chairman): 1/21/2011
HB 37, do pass. Report adopted.
HB 52, introduced bill, be amended as follows:

1. Page 4, line 14.

Strike: "and"

2. Page 4, line 17.

Following: line 16

Insert: "(iv) a requirement that an applicant who proposes to use reclaimed wastewater pursuant to this subsection (2)(k) has obtained any necessary authorizations required under Title 85 from the department of natural resources and conservation; and"

And, as amended, do pass. Report adopted.

HB 76, do pass. Report adopted.

HB 93, do pass. Report adopted.

HB 101, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/21/2011

SB 11, introduced by Erickson

SB 38, introduced by Hawks

SB 47, introduced by Vincent

HOUSE JOURNAL
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2011

SB 55, introduced by Jent

SB 69, introduced by Wanzenried

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Clark in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Rep. Ingraham moved to pass consideration on **HB 66**. Without objection, so ordered.

HB 78 - Representative Cook moved **HB 78** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Kennedy.

Total 1

Absent or not voting: None.

Total 0

HB 91 - Representative Ingraham moved **HB 91** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney,

HOUSE JOURNAL
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2011

McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Hale, Miller, More, Wagner.

Total 4

Excused: Kennedy.

Total 1

Absent or not voting: None.

Total 0

HB 126 - Representative Hansen moved **HB 126** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Kennedy.

Total 1

Absent or not voting: None.

Total 0

HB 191 - Representative Flynn moved **HB 191** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham,

HOUSE JOURNAL
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2011

Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Noonan, Price, Read, Sands, Sesso, Squires, Taylor.

Total 7

Excused: Kennedy.

Total 1

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Clark moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: None.

Total 0

Excused: Ankney, Kennedy, Knox, Reichner.

Total 4

Absent or not voting: Cuffe.

Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HOUSE JOURNAL
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2011

HB 171 passed as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: None.

Total 0

Excused: Ankney, Kennedy, Knox, Reichner.

Total 4

Absent or not voting: None.

Total 0

HB 59 passed as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: B. Bennett.

Total 1

Excused: Ankney, Kennedy, Knox, Reichner.

Total 4

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2011

HB 92 passed as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: None.

Total 0

Excused: Ankney, Kennedy, Knox, Reichner.

Total 4

Absent or not voting: None.

Total 0

MOTIONS

Representative Ingraham moved **HB 66** be moved from the Committee of the Whole after second reading to the State Administration committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Monday, January 24, 2011. Motion carried.

House adjourned at 8:33 a.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
EIGHTEENTH LEGISLATIVE DAY**

Helena, Montana
January 24, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. More. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Knox, excused. Quorum present.

Speaker Milburn addressed new protocol regarding floor procedures.

BILLS (O'Hara, Chairman): 1/24/2011

Correctly printed: **HB 130**.

Correctly engrossed: **HB 120**.

Rep. Smith introduced the pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman): 1/24/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 12:00 p.m., Saturday, January 22, 2011:

TITLE

NAME

Pages:

Katie Salomon, Ronan
Sarah Edmunds, Missoula
Brian Luehr, Helena
Bridger Estell, Moccasin
Riley Dennis, Charlo
Kimberly Suta, Cut Bank
Augusta McDonnell, Townsend

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, January 24, 2011:

TITLE

NAME

Pages:

Duncan Livingston, Eureka
Sam Misplon, Helena
Kacey Gollehon, Choteau
Emily Casebolt, Livingston
Morgan Kuntz, Dillon
Tory Byrd, Great Falls
Tucker Vanden Bos, Valier

Report Adopted.

HOUSE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 24, 2011

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Ingraham, Chairman):
HB 120, introduced bill, be amended as follows:

1/24/2011

1. Title, line 7.

Following: "MEETING"

Insert: "IF DESIGNATED AS OFFICIAL"

2. Title, line 8.

Following: "MEETING"

Insert: "IF AUDIO MINUTES ARE DESIGNATED AS OFFICIAL MINUTES"

3. Page 1, line 14.

Strike: "official"

4. Page 1, line 15.

Following: "made"

Insert: "and designated as official"

5. Page 1, line 21.

Following: "and"

Insert: "and"

6. Page 1, line 22.

Strike: "; and"

Insert: "."

7. Page 1, line 23.

Strike: "(e) if"

Insert: "(3) If"

Following: "recorded"

Insert: "and designated as the official record"

Following: "each"

Insert: "main"

Following: "item"

Insert: "is required for the purpose of providing assistance to the public in accessing that portion of the meeting"

And, as amended, do pass. Report adopted.

HB 130, do pass. Report adopted.

HOUSE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 24, 2011

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/22/2011

SB 5, introduced by Brown
SB 46, introduced by Tropila
SB 53, introduced by Balyeat
SB 66, introduced by Lake
SB 74, introduced by Steinbeisser

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

1/22/2011

HB 1, introduced by McNutt

The following House bills were introduced, read first time, and referred to committees:

HB 319, introduced by McNutt, referred to Transportation.
HB 320, introduced by Schmidt, referred to Business and Labor.
HB 321, introduced by Kerns, referred to Fish, Wildlife and Parks.
HB 322, introduced by Swanson, referred to Business and Labor.
HB 323, introduced by Swanson, referred to Business and Labor.
HB 325, introduced by Regier, McGillvray, Milburn, referred to Taxation.
HB 326, introduced by Kennedy, Regier, referred to Federal Relations, Energy, and Telecommunications.
HB 327, introduced by McClafferty, Phillips, Mehlhoff, Sesso, Noonan, Malek, Ripley, Wilmer, Brown, F. Smith, MacDonald, Pease-Lopez, Salomon, B. Bennett, Reinhart, Driscoll, Court, Boland, referred to Education.
HB 328, introduced by Wilmer, referred to State Administration.
HB 329, introduced by Clark, referred to Agriculture.
HB 330, introduced by B. Bennett, Wilmer, Malek, Small, Reinhart, Squires, Furey, Swanson, McClafferty, Hill, Greef, Skees, Price, Brodehl, Pease-Lopez, Ingraham, Edmunds, Blyton, referred to State Administration.
HB 331, introduced by Howard, C. Smith, Welborn, Reichner, referred to Agriculture.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 7, introduced by Skees, C. Smith, O'Neil, Blyton, Blasdel, Kary, referred to Education.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hoven in the chair.

HOUSE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 24, 2011

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 40 - Representative K. Peterson moved **HB 40** do pass.

HB 40 - Representative Hendrick moved for cloture. Motion carried unanimously.

HB 40 - Representative K. Peterson moved **HB 40** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 12 - Representative Menahan moved **HB 12** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 80

Nays: Belcourt, G. Bennett, Burnett, Cook, Cuffe, Gibson, Hale, Hendrick, Kary, Kennedy, Kerns, Klock, Knudsen, Miller, Osmundson, Randall, Skattum, Vance, Wagner, Welborn.

Total 20

HOUSE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 24, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 14 - Representative Menahan moved **HB 14** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Court, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: Ankney, G. Bennett, Burnett, Connell, Cook, Cuffe, Evans, Hale, Hollandsworth, Kerns, Klock, Knox, Knudsen, Mehlhoff, O'Neil, Osmundson, Randall, Roberts, Skattum, Small, Wagner, Warburton, Welborn.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 57 - Representative Hiner moved **HB 57** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Hale, Kennedy, Kerns, Lavin, O'Neil, Randall, Skattum, Wagner, Warburton.

Total 9

HOUSE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 24, 2011

Excused: None.

Total 0

Absent or not voting: Esp, Hollandsworth, O'Hara.

Total 3

HB 89 - Representative Ingraham moved **HB 89** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Squires, Wagner, Warburton.

Total 3

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HB 25 - Representative Roberts moved **HB 25** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: G. Bennett, Blasdel, Blyton, Esp, Flynn, Hendrick, Kennedy, Kerns, More, Osmundson, Randall, Skattum, Skees, C. Smith, Wagner.

Total 15

HOUSE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 24, 2011

Excused: None.

Total 0

Absent or not voting: Salomon.

Total 1

HB 61 - Representative MacLaren moved **HB 61** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Esp, Fitzpatrick, Hale, More, Small.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 119 - Representative Hendrick moved **HB 119** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Esp.

Total 1

HOUSE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 24, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 250 - Representative Menahan moved **HB 250** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 107 - Representative Hollenbaugh moved **HB 107** do pass. Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Brodehl, Clark, Cook, Court, Driscoll, Fitzpatrick, Flynn, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Knox, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Washburn, Williams, Wilmer.

Total 47

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Burnett, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Loney, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Welborn, Yates, Mr. Speaker.

Total 53

HOUSE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 24, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 40 - Representative Sesso made a **substitute motion** that **HB 40** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried.

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hoven moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: B. Beck, Hansen, McNally, Price, Schmidt, F. Smith, Squires, Vance.

Total 8

Excused: Knox.

Total 1

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 191 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek,

HOUSE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 24, 2011

McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: Read, Sands, Squires.
Total 3

Excused: None.
Total 0

Absent or not voting: O'Hara.
Total 1

HB 78 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 91 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham,

HOUSE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 24, 2011

Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: More.

Total 1

Excused: None.

Total 0

Absent or not voting: Price.

Total 1

HB 126 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Representative Cook moved **HB 295** be moved from the Natural Resources committee to the Federal Relations, Energy, and Telecommunications committee.

HOUSE JOURNAL
EIGHTEENTH LEGISLATIVE DAY - JANUARY 24, 2011

Representative McGillvray moved **HB 14** be moved from the Committee of the Whole after second reading to the Appropriations committee.

Representative McGillvray moved **HB 25** be moved from the Committee of the Whole after second reading to the Appropriations committee.

Rep. Sesso requested clarification Third Reading absentee voting.

Rep. More, Chairman of the Rules Committee, addressed the question of Third Reading absentee voting.

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 281**
Motion carried.

HB 281 (Hands Chief Sponsor)
Representative Harris.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 131**
Motion carried.

HB 131 (Menahan Chief Sponsor)
Representative Hendrick.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 326**
Motion carried.

HB 326 (Kennedy Chief Sponsor)
Representative Blasdel, Brodehl, Connell, Edmunds, Hoven, Howard, Kary, Kennedy, Kerns, Lavin, McGillvray, More, O'Hara, Osmundson, K. Peterson, Randall, Reichner, Roberts, Salomon, Skattum, Skees, Small, Stahl, Vance, Warburton, Hinkle, Hutton, Jackson, Moore, Steinbeisser, Vincent.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Wednesday, January 25, 2011. Motion carried.

House adjourned at 2:40 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
NINETEENTH LEGISLATIVE DAY**

Helena, Montana
January 25, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Rosendale. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Knox, excused. Quorum present.

BILLS (O'Hara, Chairman):

1/25/2011

Correctly printed: **HB 154, HB 229, HB 259.**

Correctly engrossed: **HB 178, HB 182, HB 187, HB 208, HB 210.**

Correctly enrolled: **HB 1.**

REPORTS OF STANDING COMMITTEES

EDUCATION (Reichner, Chairman):

1/24/2011

HB 154, do pass. Report adopted.

HB 182, introduced bill, be amended as follows:

1. Title, page 1, lines 4 and 5.

Following: "SCHOOLS"

Strike: "AND" through "UNITS" on line 5

2. Page 1, line 14.

Following: "20-9-412,"

Insert: "and"

Following: "20-9-471"

Strike: ", and [section 3]"

3. Page 2.

Following: line 19

Insert: "(5) The school district may not submit for a vote of the electors of the district a levy for the payment of the principal or any interest on the obligation.

(6) The obligation must state clearly on its face that the obligation is not secured by a pledge of the school district's taxing power but is payable from amounts in its general fund or other legally available funds pledged to the repayment of the bond or note."

Renumber: subsequent subsections

2, line 28 through page 4, line 7.

Strike: sections 3 through 5 in their entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

STATE INTERNET/BBS COPY

HOUSE JOURNAL
NINETEENTH LEGISLATIVE DAY - JANUARY 25, 2011

HB 208, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "THE"

Insert: "INTENDED"

2. Title, page 1, line 8.

Following: "AN"

Insert: "IMMEDIATE"

3. Page 2, lines 12 and 13.

Following: "By"

Strike: "October 1 and February 1"

Insert: "November 1 and March 1"

Following: "shall"

Strike: "provide to the director of the Montana youth challenge program"

Insert: "prepare"

Following: "report" on line 13

Insert: "to be provided to the director of the Montana youth challenge program subject to subsections (8)(b) and (8)(c)"

4. Page 2, lines 19.

Following: "(b)"

Strike: "At the beginning of each school year"

Insert: "After preparing the report in accordance with subsection (8)(a)"

5. Page 2, lines 21 and 22.

Following: "emancipated" on line 21

Strike: "of" through "disclosure" on line 22

Insert: "that the agency intends to provide the report to the director of the Montana youth challenge program. The parent or guardian or the student must be given the opportunity to object to the planned disclosure of the information. If the parent or guardian or the student fails to respond to the notice within 30 days, the local educational agency shall forward the report to the director of the Montana youth challenge program"

6. Page 2.

Following: line 22.

Insert: "(c) The report provided by the local educational agency may not include a student who:
(i) is receiving medical care or treatment that prohibits school attendance;
(ii) is enrolled in a foreign exchange program;

HOUSE JOURNAL
NINETEENTH LEGISLATIVE DAY - JANUARY 25, 2011

(iii) is enrolled in an early admissions college program;
(iv) is participating in a job corps program, an adult basic education program, or an accredited apprenticeship program; or
(v) is excused from school for a reason determined acceptable by the local educational agency."

Renumber: subsequent subsection

7. Page 2, line 29.

Strike: "July 1, 2011"

Insert: "on passage and approval"

And, as amended, do pass. Report adopted.

TRANSPORTATION (Vance, Chairman):

1/24/2011

HB 178, introduced bill, be amended as follows:

1. Page 2, line 16.

Following: "(10)"

Strike: "who" through "applicant's"

Insert: "whose"

2. Page 2, line 17.

Following: "is"

Insert: "not"

3. Page 2, line 17 through page 2, line 18.

Strike: "If" on line 17 through "States" on line 18

Insert: "When an applicant who is not a citizen of the United States applies for a driver's license"

4. Page 5, line 21.

Following: "The"

Insert: "minimum"

5. Page 7, line 6.

Strike: "must"

Insert: "shall"

6. Page 7, line 21.

Strike: "must"

Insert: "shall"

And, as amended, do pass. Report adopted.

HB 187, introduced bill, be amended as follows:

STATE INTERNET/BBS COPY

HOUSE JOURNAL
NINETEENTH LEGISLATIVE DAY - JANUARY 25, 2011

1. Page 1, line 12.

Following: "wooden"

Strike: "guardrail" through "signposts"

Insert: "w-beam guardrail posts and, if appropriate, fenceposts and signposts when the cost of the wooden materials is less than or equal to the cost of other materials"

2. Page 1, line 16 through page 1, line 17.

Following: "decking," on line 16

Strike: "guardrail" on line 16 through "signposts" on line 17

Insert: "w-beam guardrail posts, and, if appropriate, fenceposts and signposts when the cost of the wooden materials is less than or equal to the cost of other materials"

1, line 22 through page 1, line 23.

Following: "wooden" on line 22

Strike: "guardrail" on line 22 through "decking" on line 23

Insert: "w-beam guardrail posts and, if appropriate, fenceposts, signposts, and decking when the cost of the wooden materials is less than or equal to the cost of other materials"

And, as amended, do pass. Report adopted.

HB 210, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "OVERLENGTH"

Insert: "OR OVERWIDTH"

2. Title, page 1, line 6.

Following: "LENGTH"

Insert: "OR 16 FEET IN WIDTH"

3. Page 2, line 24.

Following: "length"

Insert: "or 16 feet in width"

4. Page 5, line 23.

Following: "length"

Insert: "or 16 feet in width"

And, as amended, do pass. Report adopted.

HB 229, do pass. Report adopted.

HB 259, do pass. Report adopted.

MESSAGES FROM THE SENATE

HOUSE JOURNAL
NINETEENTH LEGISLATIVE DAY - JANUARY 25, 2011

Senate bills passed and transmitted to the House for concurrence:

1/24/2011

SB 7, introduced by Keane
SB 62, introduced by Jones
SB 65, introduced by Jackson
SB 76, introduced by Jent
SB 128, introduced by Lake

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 324, introduced by MacLaren, referred to Business and Labor.
HB 332, introduced by Wagner, Hinkle, Hale, Ehli, Vance, Hendrick, Skees, Clark, Read, Blyton, Randall, Beck, Rosendale, Harris, Cuffe, Jackson, MacLaren, Osmundson, Warburton, Kerns, Skattum, Howard, Blasdel, Edmunds, Miller, referred to Judiciary.
HB 333, introduced by Reichner, Blasdel, Taylor, Stahl, Brodehl, Milburn, referred to Taxation.
HB 334, introduced by Reichner, G. Bennett, Buttrey, Taylor, J. Peterson, O'Hara, Zinke, Ingraham, McGillvray, Clark, Milburn, Sonju, Connell, Arntzen, Rosendale, Hendrick, Cook, Hoven, Hansen, Burnett, O'Neil, Hale, Hollandsworth, Klock, Howard, Evans, Kerns, Olson, Vance, Bangerter, Beck, Warburton, More, Harris, Welborn, Read, Berry, Small, Steinbeisser, Roberts, Ripley, Regier, Balyeat, Jackson, Blyton, Miller, Skattum, Blasdel, McNiven, Brodehl, Ankney, Salomon, Osmundson, Randall, Ehli, C. Smith, Skees, Wagner, Stahl, Greef, Flynn, Walker, Cuffe, Yates, Tutvedt, Washburn, McNutt, Knudsen, Edmunds, Kary, Lavin, MacLaren, Knox, Gibson, referred to Business and Labor.
HB 335, introduced by Menahan, referred to Fish, Wildlife and Parks.
HB 336, introduced by Menahan, referred to Fish, Wildlife and Parks.
HB 337, introduced by Menahan, referred to Fish, Wildlife and Parks.
HB 338, introduced by Esp, referred to Local Government.
HB 339, introduced by Bangerter, Shockley, Price, Flynn, Stahl, Welborn, Wilmer, referred to Fish, Wildlife and Parks.
HB 340, introduced by Di. Barrett, referred to Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Fitzpatrick in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Rep. Schmidt moved to pass consideration on **HB 36**. Without objection, so ordered.

HOUSE JOURNAL
NINETEENTH LEGISLATIVE DAY - JANUARY 25, 2011

HB 21 - Representative Di. Barrett moved **HB 21** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 62 - Representative MacLaren moved **HB 62** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
NINETEENTH LEGISLATIVE DAY - JANUARY 25, 2011

HB 69 - Representative Menahan moved **HB 69** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Boland, Brodehl, Clark, Connell, Court, Driscoll, Ehli, Esp, Fitzpatrick, Furey, Greef, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Williams, Wilmer, Mr. Speaker.

Total 61

Nays: Ankney, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Burnett, Cook, Cuffe, Edmunds, Evans, Flynn, Gibson, Hale, Harris, Hendrick, Hollandsworth, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Miller, More, O'Neil, Osmundson, Randall, Roberts, Rosendale, Skattum, Skees, Small, Vance, Wagner, Warburton, Washburn, Welborn, Yates.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 84 - Representative Boland moved **HB 84** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Williams, Wilmer, Mr. Speaker.

Total 80

Nays: B. Beck, G. Bennett, Burnett, Cuffe, Hale, Hendrick, Kennedy, Kerns, McGillvray, More, Randall, Roberts, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Welborn, Yates.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 90 - Representative McNutt moved **HB 90** do pass. Motion carried as follows:

HOUSE JOURNAL
NINETEENTH LEGISLATIVE DAY - JANUARY 25, 2011

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 73

Nays: G. Bennett, Blasdel, Blyton, Burnett, Cuffe, Edmunds, Hale, Hansen, Harris, Howard, Kary, Kennedy, Kerns, Knox, Loney, Miller, O'Neil, Osmundson, Randall, Regier, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Yates.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 132 - Representative Hoven moved **HB 132** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: B. Beck, G. Bennett, Blyton, Edmunds, Esp, Hale, Harris, Hendrick, Kary, Kennedy, Kerns, Miller, Skattum, Vance, Wagner, Welborn.

Total 16

Excused: None.

Total 0

Absent or not voting: Read.

Total 1

HB 269 - Representative Lavin moved **HB 269** do pass. Motion carried as follows:

HOUSE JOURNAL
NINETEENTH LEGISLATIVE DAY - JANUARY 25, 2011

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 111 - Representative Stahl moved **HB 111** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 1 - Senate Amendments - Representative McNutt moved Senate amendments to **HB 1** be

HOUSE JOURNAL
NINETEENTH LEGISLATIVE DAY - JANUARY 25, 2011

concurring in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Arntzen, B. Beck, Blasdel, Esp, Hollandsworth, Howard, Peterson, Regier, Roberts, Skattum, Skees, Wagner.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Fitzpatrick moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Knox.

Total 1

Absent or not voting: None.

HOUSE JOURNAL
NINETEENTH LEGISLATIVE DAY - JANUARY 25, 2011

Total 0

HB 1 - Representative McGillvray moved to suspend the rules and place **HB 1** at the top of the third reading board. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 1, as amended by the Senate, passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Arntzen, B. Beck, Blasdel, Esp, Howard, Kary, Regier, Roberts, Skattum, Skees, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 12 passed as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Williams, Wilmer, Yates, Mr. Speaker.

Total 76

HOUSE JOURNAL
NINETEENTH LEGISLATIVE DAY - JANUARY 25, 2011

Nays: Ankney, Belcourt, G. Bennett, Burnett, Cook, Cuffe, Gibson, Hale, Hollandsworth, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Miller, Osmundson, Randall, Skattum, Skees, Vance, Wagner, Washburn, Welborn.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 57 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 90

Nays: Blasdel, Hale, Kennedy, Kerns, Lavin, O'Neil, Randall, Skattum, Warburton, Welborn.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 89 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

HOUSE JOURNAL
NINETEENTH LEGISLATIVE DAY - JANUARY 25, 2011

Total 98

Nays: Squires, Warburton.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 61 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Esp, Fitzpatrick, Hale, Small, Wagner, Welborn.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 119 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner,

HOUSE JOURNAL
NINETEENTH LEGISLATIVE DAY - JANUARY 25, 2011

Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 250 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Rep. Ankney moved to Reconsider Second Reading Action on **HB 107**. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan,

HOUSE JOURNAL
NINETEENTH LEGISLATIVE DAY - JANUARY 25, 2011

Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Vance, Warburton, Williams, Wilmer, Yates, Mr. Speaker.

Total 79

Nays: G. Bennett, Blyton, Burnett, Esp, Hale, Harris, Kary, Kennedy, Kerns, Knudsen, More, Randall, Salomon, Skattum, Skees, C. Smith, Taylor, Wagner, Washburn, Welborn.

Total 20

Excused: Knox.

Total 1

Absent or not voting: None.

Total 0

Representative McGillvray moved **HB 90** be moved from the Committee of the Whole after second reading to the Appropriations committee.

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 274**
Motion carried.

HB 274 (Howard Chief Sponsor)

Representative Blasdel, Blyton, Hale, Loney, O'Hara, Vance.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Wednesday, January 26, 2011. Motion carried.

House adjourned at 2:15 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
TWENTIETH LEGISLATIVE DAY**

Helena, Montana
January 26, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Hendrick. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Knox, excused. Quorum present.

BILLS (O'Hara, Chairman):

1/26/2011

Examined by the sponsor and found to be correct: **HB 1**.

Signed by the Speaker at 8:51 a.m., January 26, 2011: **HB 1**.

Signed by the Chief Clerk of the House at 8:50 a.m., January 26, 2011: **HB 1**.

Signed by the President at 9:00 a.m., January 26, 2011: **HB 1**.

Delivered to the Governor for approval at 9:00 a.m., January 26, 2011: **HB 1**.

Correctly printed: **HB 169, HB 172, HB 233, HJR 3**.

Correctly engrossed: **HB 106, HB 144, HB 159, HB 176, HB 225**.

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the seventh, eighth, ninth, tenth, and eleventh legislative days, find the same to be correct.

Representative O'Hara, Chair

REPORTS OF STANDING COMMITTEES

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 1/24/2011

HB 169, do pass. Report adopted.

HB 233, do pass. Report adopted.

HJR 3, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman):

1/25/2011

HB 144, introduced bill, be amended as follows:

1. Page 1, line 29 through line 30.

Strike: ""Resident" on line 29 through "drawing." on line 30

And, as amended, do pass. Report adopted.

HB 159, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

Strike: "REVISING" on line 6 through "FIREARMS;" on line 7

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

2. Title, page 1, line 7.

Strike: "7-4-2701" through "7-4-2705,"

3. Title, page 1, line 8.

Following: "87-1-506,"

Insert: "AND"

Strike: "AND 87-3-403,"

4. Page 1, line 13 through page 2, line 12.

Strike: section 1 through section 3 in their entirety

Renumber: subsequent sections

5. Page 6, line 1 through line 5.

Strike: "If," on line 1 through "county," on line 5

6. Page 8.

Strike: "the restriction" on line 5 through "of" on line 6

7. Page 8, line 7.

Following: "(a)"

Insert: "the restriction of"

8. Page 8, line 9.

Following: "safety,"

Insert: "the restriction of"

9. Page 8, line 10.

Strike: the second "and"

10. Page 8, line 11.

Following: "(c)"

Insert: "the restriction of"

11. Page 8, line 11.

Following: "87-3-301"

Insert: "; or

(d) the regulation of migratory game bird hunting pursuant to 87-3-403"

12. Page 10.

Strike: "the restriction" on line 12 through "of" on line 13

13. Page 10, line 14.

Following: "(a)"

Insert: "the restriction of"

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

14. Page 10, line 16.

Following: "safety,"

Insert: "the restriction of"

15. Page 10, line 17.

Strike: the second "and"

16. Page 10, line 18.

Following: "(c)"

Insert: "the restriction of"

17. Page 10, line 18.

Following: "87-3-301"

Insert: "; or

(d) the regulation of migratory game bird hunting pursuant to 87-3-403"

18. Page 13, line 14.

Strike: "A"

Insert: "Except as provided in 87-3-403, a"

19. Page 13, line 25 through page 14, line 2.

Strike: section 11 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 172, do pass. Report adopted.

HB 176, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "FREE,"

2. Page 1, line 11.

Strike: "free"

3. Page 1, line 21.

Strike: "free"

4. Page 1, line 25.

Strike: "free"

5. Page 1, line 27.

Strike: "free"

6. Page 1, line 29.

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

Strike: "free"

And, as amended, do pass. Report adopted.

HB 225, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "LOCAL"

Strike: "CLUB"

Insert: "AREA OPERATOR"

2. Page 1, line 16.

Strike: "an individual"

Insert: "a"

Strike: "club"

Insert: "area operator"

3. Page 1, line 19.

Strike: "an individual"

Insert: "a"

Strike: "club"

Insert: "area operator"

Strike: "either or both actions have"

Insert: "the action or award has"

4. Page 1, line 20.

Following: "2"

Insert: ", and there is no proposed change to the action or the use of the award"

And, as amended, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

1/25/2011

HB 106, introduced bill, be amended as follows:

1. Page 1, line 16.

Following: "Montana"

Insert: "upon a way of the state open to the public"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/25/2011

SB 24, introduced by Shockley
SB 28, introduced by Kaufmann
SB 51, introduced by Tropila
SB 99, introduced by Brenden
SB 100, introduced by Shockley
SB 108, introduced by D. Barrett
SB 115, introduced by Hinkle
SB 118, introduced by Jent
SB 186, introduced by Steinbeisser

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 341, introduced by C. Smith, Taylor, referred to Judiciary.
HB 342, introduced by C. Smith, Taylor, referred to Judiciary.
HB 343, introduced by Cook, Welborn, Hale, Ehli, referred to Appropriations.
HB 344, introduced by Gibson, referred to State Administration.
HB 345, introduced by Flynn, referred to Agriculture.
HB 346, introduced by Beck, Ehli, referred to Local Government.
HB 347, introduced by Hale, G. Bennett, Wagner, Edmunds, Osmundson, Miller, Ehli, Rosendale, Lavin, Taylor, Harris, referred to Education.
HB 348, introduced by Malek, referred to Local Government.
HB 349, introduced by Evans, Berry, Small, Kennedy, O'Neil, referred to State Administration.
HB 350, introduced by Stahl, referred to State Administration.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 8, introduced by Hunter, Zinke, O'Hara, Caferro, referred to Human Services.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNiven in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

HB 37 - Representative McChesney moved **HB 37** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 52 - Representative Ankney moved **HB 52** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 95

Nays: Edmunds, Hale, Kennedy, Kerns.
Total 4

Excused: None.
Total 0

Absent or not voting: Hendrick.
Total 1

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

HB 76 - Representative Mehlhoff moved **HB 76** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: More.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 93 - Representative Furey moved **HB 93** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 81

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Edmunds, Esp, Hale, Hansen, Kary, Kennedy, Kerns, Lavin, More, Randall, Skattum, Skees, C. Smith, Vance, Wagner.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

HB 101 - Representative MacDonald moved **HB 101** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 103 - Representative Fitzpatrick moved **HB 103** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Hale, Hansen, Warburton.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

HB 120 - Representative McGillvray moved **HB 120** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Court, Hansen, Loney, Squires, Williams.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 36 - Representative Schmidt moved **HB 36** do pass.

HB 36 - Representative McGillvray moved for cloture. Motion carried unanimously.

HB 36 - Representative Schmidt moved **HB 36** do pass. Motion **failed** as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Warburton, Williams, Wilmer, Yates.

Total 39

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Menahan, Miller, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Mr. Speaker.

Total 61

Excused: None.

Total 0

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

Absent or not voting: None.

Total 0

HB 101 - Representative Sesso made a **substitute motion** that **HB 101** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried.

HB 36 - Representative O'Neil made a **substitute motion** that **HB 36** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Rep. McGillvray objected. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 38

Nays: Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 59

Excused: Knox.

Total 1

Absent or not voting: Hoven, Skattum.

Total 2

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNiven moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 86

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

Nays: B. Bennett, Boland, Hill, McClafferty, McNally, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Wilmer.
Total 12

Excused: Knox.
Total 1

Absent or not voting: Skattum.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 21 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Skattum.
Total 1

HB 62 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek,

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Skattum.
Total 1

HB 69 passed as follows:

Yeas: Bangerter, Barrett, B. Beck, B. Bennett, Boland, Brodehl, Clark, Connell, Court, Driscoll, Ehli, Fitzpatrick, Furey, Greef, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Regier, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Wagner, Washburn, Williams, Wilmer, Mr. Speaker.
Total 57

Nays: Ankney, Arntzen, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Burnett, Cook, Cuffe, Edmunds, Esp, Evans, Flynn, Gibson, Hale, Harris, Hendrick, Hollandsworth, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, McNutt, Miller, More, O'Neil, Osmundson, Randall, Read, Reichner, Roberts, Rosendale, Skees, Taylor, Vance, Warburton, Welborn, Yates.
Total 42

Excused: None.
Total 0

Absent or not voting: Skattum.
Total 1

HB 84 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan,

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Williams, Wilmer, Mr. Speaker.

Total 76

Nays: G. Bennett, Blasdel, Burnett, Cuffe, Hale, Hansen, Hendrick, Kary, Kennedy, Kerns, McGillvray, Miller, More, Osmundson, Randall, Reichner, Skees, C. Smith, Vance, Wagner, Warburton, Welborn, Yates.

Total 23

Excused: None.

Total 0

Absent or not voting: Skattum.

Total 1

HB 132 passed as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: Arntzen, G. Bennett, Blyton, Cuffe, Edmunds, Esp, Hale, Harris, Kary, Kennedy, Kerns, Knox, Miller, C. Smith, Vance, Wagner.

Total 16

Excused: None.

Total 0

Absent or not voting: Skattum.

Total 1

HB 269 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham,

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Skattum.

Total 1

HB 111 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: More.

Total 1

Excused: None.

Total 0

Absent or not voting: Skattum.

Total 1

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 83**
Motion carried.

HB 83 (Berry Chief Sponsor)

Representative Belcourt, Berry, Boland, Brodehl, Driscoll, Evans, Furey, Gibson, Greef, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, Mehlhoff, Menahan, Noonan, O'Hara, Price, Read, Regier, Roberts, Rosendale, Schmidt, F. Smith, Squires, Taylor, Wilmer.

MOTIONS

Representative McGillvray moved **HB 93** be moved from the Committee of the Whole after second reading to the Appropriations committee.

Representative McGillvray moved **HB 49** be moved from the Natural Resources committee to the Appropriations committee.

Representative Hiner moved to change her vote on **HB 269** from no to yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

House recessed at 2:38 p.m.

House convened at 6:40 p.m. Mr. Speaker in the Chair.

Roll Call. All members present, except Representatives Knox and McGillvray, excused.
Quorum present.

MOTIONS

Rep. Taylor moved that the House resolve itself into a joint session for the purpose of receiving the State of the State Address from the Honorable Brian Schweitzer, Governor of the State of Montana. Upon adjournment of the joint session, the House will be adjourned until the hour of 1:00 p.m., Thursday, January 27th. Motion carried.

Sgt-at-Arms Bean notified Speaker Milburn that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Milburn requested Sgt-at-Arms Bean admit the Honorable Senate into the House chamber. Speaker Milburn introduced Senate President Peterson and yielded the Chair to him.

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

Sen. Essmann moved that the body resolve itself into a joint session for the purpose of receiving the State of the State address from the Honorable Brian Schweitzer, Governor of the State of Montana. Motion carried.

Sen. Essmann moved that the President be authorized to appoint a committee of four to notify the Governor that we are in joint session and ready to receive the State of the State address.

President Peterson appointed Senators Williams, Vincent and Representatives Court and Vance and discharged them to escort the Governor into the Chamber.

President Peterson asked the members to stand for the Pledge of Allegiance to the Flag led by the Third Grade Class from Montana City Elementary School. Colors were posted by the Montana National Guard.

President Peterson thanked the Montana National Guard and the Third Grade Class from Montana City Elementary School.

Invocation was given by Monseigneur O'Neill.

Sgt-at-Arms Clark announced that the Honorable, Governor Brian Schweitzer and the committee of four awaits entrance to the House.

President Peterson directed Sgt-at-Arms Clark to please admit the Governor.

President Peterson introduced the Honorable, Governor Brian Schweitzer.

Governor Schweitzer made the following remarks:

Thank you. Mr. President, Mr. Speaker, my fellow Montanans: It is my honor to address the 62nd meeting of the Montana Legislature.

First, I want to welcome my business partner, the mother of our children and on Sunday my wife for 29 years. Thanks for putting up with me, Nancy.

And I'd like to welcome my mother. About 30 minutes ago as she walked in, she looked me over, she said, "Aren't you going to shine your boots?" And I said, "Mom, I'll be standing behind a podium; they won't even see them." "Well, you should shine them anyways." And then she gave me a word of advice, remember Mom? She said, "Are you going to remember to thank the people of Montana for giving you this opportunity?" Good manners, mom. Thank you.

Lt. Governor John Bohlinger and Karen: John, remember seven years ago when we proposed to the people of Montana that we would try something that had never been done before? We said that a Democrat and a Republican can work together in governing Montana. Did you notice last night back there in Washington, D.C.; they're pretty proud of themselves for sitting together for one hour? In Montana, we've governed together for 6 years. Thank you for your leadership, thank you for your courage, thank you for your vision, John Bohlinger.

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

Since we met last, two years ago roughly, we've lost some great Montanans. And I'll start with my father, Adam, who was born in Montana, left only to fight for our country during World War II and for nearly 9 decades was a proud rancher. While he and my mother never graduated from high school, his proudest moment was when he sent all six of his kids to university. Thanks, Dad, we're praying for you.

We lost an extraordinary leader, one of the greatest leaders in Indian Country, my friend Chairman Carl Venne of the Crow Nation. We'll miss you, Carl.

And two of our heroes that keep our highways safe, two highway patrolmen, David DeLaittre of Belgrade and Michael Haynes of Kalispell. God rest your souls.

We lost a volunteer EMT from Glasgow by the name of Melissa Greenhagen.

And once again, I stand before you as the Governor of Montana to report the names of the men who have given all in service to our country during the last two years. I'll read their names:

Andrew Charpentier, Great Falls;
Garnet Derby, Missoula;
George Anthony Kellum, Lame Deer;
Michael Rogers, White Sulphur Springs;
Terry Lynch, Shepherd;
Trevor Johnson, Forsyth;
Shannon E. Swartz, Great Falls;
Reginald "Reg" Richard Lawrence, Jordan;
Jed P. "Cole" Naisbitt, West Yellowstone;
Nicholas Cook, Hungry Horse;
Jeremiah Sipes, Belgrade;
Kerry Sweten, Columbus;
Ryan Buckles, Poplar;
Byron Whitcomb, Whitefish;
Shane Barnard, Box Elder;
Jeremiah Wittman, Billings;
Lawrence Gregor, Helena;
Nicolas Uzenski, Bozeman;
James Stright, Libby;
Benjamin Pigman, Hamilton.

Can we have a moment of silence to honor these men who gave their all? Thank you.

Well, Elvis isn't in the house tonight, but we have a lot of important guests, led by the Attorney General Steve Bullock. It's all right, give him a little love.

Secretary of State Linda McCulloch. We call her Auditor, but she's actually our Insurance Commissioner, Monica Lindeen, and our Superintendent of Public Instruction, Denise Juneau.

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

We have our members of the PSC Commission here tonight. Thank you.

We have tribal leaders, who have come from many of our tribal nations across Montana. Thank you for making the trip.

We have Governor Tim Babcock and First Lady Betty Babcock. God bless you. Thanks for coming. Now, Betty's told me the story of how they, for a while, had a monkey while they were living in the Governor's residence, but that's a story for another night. Okay, Betty?

And members of my cabinet and my staff. I'm biased here, but I think we have the best educated, most dedicated cabinet and staff in the history of Montana. Thank you on my good days for making me look good. Thank you.

We share a common history and we must aspire to a common destiny. Our work during this 62nd meeting of the Legislature must be inspired by the collective goals, hopes, and dreams of the mothers and fathers across Montana.

And while we gather here in the capitol city for 90 days and nights - our bosses continue to do Montana's work in every community across Montana: the cook and farmer; the truck driver and the mechanic; the teacher and the student; the doctor and the nurse; the engineer and the contractor; the coal miner and boilermaker; the general and the soldier; the logger and carpenter; parents and children with big dreams under the big sky. Each morning at breakfast moms and dads prepare our leaders of tomorrow for the schools of today and each night they pray together. They pray together for a better and new day.

Your mission, members of this legislative assembly, is to prepare Montana for that new day, a day of more opportunity, more freedom, lower taxes, new opportunities, better schools and higher paying jobs.

And while building a Montana for those high paying jobs, we will not forget those who have protected us in the past. They fought for our individual freedoms, to be who we are, unique, and the right to life, liberty and the pursuit of happiness.

Now is time to bring Montana together. Don't divide us with divisive language and legislation. Let us celebrate diversity and not abridge our individual rights and choices.

Thomas Jefferson said, "The God who gave us life, gave us liberty."

Please bring me bills that unite Montana, bills that help our businesses create jobs, bills that prepare our students for a better tomorrow: I'll sign them. Each bill you send my office ought to create more, higher paying jobs. The people who sent us to this Capitol had two messages for us: work together and create more job opportunities in Montana as soon as possible.

These are serious times. Don't send me bushels of frivolous and feel-good bills and unconstitutional statements. If you aim for nothing, you will hit it every time... let's aim high, let's aim for higher paying jobs.

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

Montana expects us to get a few things and to get them right. First, they expect you, this Legislature, to get a balanced budget back to my office in 90 days. Second, this is important, they expect you to reform a bloated, unworkable workers' compensation system that is fair for workers and helps small business start and grow in Montana. Third, and this might be your most important task and, if you get it right, it will create thousands of jobs in Montana. If you get it wrong or you don't finish it, there will be pink slips that go to workers across Montana. Montana expects you to fix the eminent domain laws. Do it soon, do it now. Let's get Montana working again.

It was Henry Ford that said "Don't find fault, find a remedy."

Montana has always been a state of dreamers, those gold miners who raked the gravel at Alder Gulch and later hit it rich at the Drumlummon mine. The homesteaders, like my grandparents, who came to Montana with just the clothes on their back, faith in God and the promise of owning their own land. The first Montanans who for hundreds of generations cared for our peaks and our prairies, our rivers and our wildlife, each generation protecting the dreams of the three generations before them and nurturing the dreams of the three generations that would follow them.

Yes, Montana, we are home to big dreamers, risk takers, and great doers. Let's help those dreamers soar to their goals. I've proposed a balanced budget for this body to consider that continues to invest in a world-class education; that protects the elderly, the disabled, the least fortunate; maintains our public safety; cuts taxes for homeowners and eliminates the business equipment tax and still maintains the second largest savings account in the history of Montana. A proposed savings account that is four times larger than the average savings account of the four previous administrations during the last sixteen years.

During the last six years, working together, we've cut more taxes for more Montanans than any time in history. We've attracted businesses, small and big, to start and grow in Montana. We've developed more new energy and we've created an education system that's more affordable, more accessible, more digital, and more relevant.

The great recession landed in Montana like the rest of the world. Legislature, in your absence, we made some tough decisions, and we cut five percent and more from the last budget that you sent me. The hardworking state employees, the people who do the work that matters, they started first and they agreed two years ago to a two-year salary freeze. And then we asked Montana for their ideas, and we got a thousand and more ideas on how to make Montana more efficient. The Lieutenant Governor and myself, we started by cutting \$11,764 from our own salaries. Sorry, John. We sold 15 percent of the state's car fleet and we increased the gas mileage on the remaining fleet to 35 miles per gallon. We stopped out-of-state travel, we decreased in-state travel by replacing that travel with technology, and we stopped buying new computers. We decreased the number of state cell phones, and we curtailed the service plans for the ones that we had. We combined our state department servers and we reduced energy consumption by 20 percent in our state-owned buildings.

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

I thought that's something Republicans, Democrats, everybody can clap for: reducing energy consumption.

We decreased the size of the workforce, we stopped printing state phone books, we re-negotiated building and office leases which rooted out sweetheart deals that were signed and negotiated by previous administrations. And our Department of Revenue contacted out-of-state companies who had not been paying their taxes for decades, and they collected \$80 million, new dollars, to the state of Montana from people who owed us this money.

Today, we're one of few states in the black. We're one of a few states with cash in the bank. I asked Doctor No, the director of our budget office today, and I said "David, how much cash do we have in the bank?" And he said, "\$330,997,350.84.

That's not an estimate. That's not an estimate, that's not a prediction, that's not some kind of a model. That's cash in the bank. Now, that probably doesn't mean a lot to folks. Well, how much money ought we to have in the bank. What's the normal amount? So, I looked into that and I can tell you this, that in the years before I was elected Governor, all the way back to 1889, we've never had a single time in the history of the state of Montana that we had \$330 million in cold hard cash in the bank.

This is a good time to have cash, and we've heard a lot about revenue predictions. It was Niels Bohr who won the Nobel Prize that said, "Predictions are difficult, especially if they're about the future." Well, I agree. Predictions are difficult, but perhaps history is our best indicator of the future. The revenue predictors in this building, since I was elected Governor six years ago, have underestimated our revenue on average by three hundred and eight million dollars every biennium. Not sometimes high and sometimes low. Always low, always wrong and always way low.

Now, I know that there's many people like me that like to hunt in the fall and you know the ritual. In the fall of the year you go out to the range or you go out against a big hill and count off a hundred and fifty or two hundred yards and then you put that bull's-eye up and you slide one round in and squeeze a shot off and you look, eleven inches low. Try it again, twelve inches low. One more time, twelve inches low. Ah ha, we'll adjust. So, then you turn it three quarters of a turn up, you fire again, six inches high, quarter turn back, bull's-eye, we're ready.

Don't you think it's time for us to readjust how we make our guesses around here? Don't you think? Let me just say this: Let us commit to be weary of half-truths; we may just get the wrong half.

We have the money for our priorities, we have over \$300 million dollars in the bank; and, even if the estimates of declining revenues are correct, and they're not, we can write a check from the savings that we have in the account and not raise taxes and still fund the critical priorities of Montana. That's good business management.

All of the economic indicators are up. I'll give you an example. For this year the revenue estimators had thought that maybe we would increase our total revenue by 2.75 percent. We're

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

already six months into the year and we're increasing our revenues by approximately 10 percent. Dan Bucks, over at the Department of Revenue, told me yesterday that for the first six months, our wages withholding are on a pace this year to break the all-time record for wages withholding. Meaning simply this: This will be the year that wage earners will be paid more collectively, totally more than any time in history. That's got to be a good sign as well.

Coal and oil production up and prices are too. We're increasing our wind energy at one of the fastest rates in the country. Platinum, \$785; gold, \$1,325; copper, \$4.24; and this last year we grew the biggest wheat crop in the history of Montana, 212 million bushels and all over Montana and they're selling it for \$8 a bushel. The biggest hay crop in the history of Montana, well, even the Republicans clapped at a good hay crop, that's good, we're getting somewhere. And for the first time in a generation, both grain and cattle prices are high. The farm sector harvested \$3 billion dollars and more for the very first time in the history of Montana: that's got to be a good indicator. There we go, Eric. Eric's clapping, because he's got a feedlot and he's buying a bunch of these expensive calves and he's hoping they'll be worth some money when he gets them fat.

But some Republican legislators talk like everything's broken in Montana. If you'd like to help, help us bring businesses to Montana, help us promote, accentuate the positive. Now, we're not perfect, we can improve, but the *Wall Street Journal*, the *New York Times*, Fox News, CNN and MSNBC hold Montana up as a model for fiscal discipline. Wall Street has improved Montana's bond rating for the first time in 30 years, and for the first time in the history of Montana, we now have a double A plus bond rating. There you go. The Republicans are for a good bond rating, I like that everyone likes a bond rating.

The U.S. Chamber of Commerce has just named Montana the number one state in the nation to start and grow a business. The Tax Foundation has rated us the sixth most business friendly tax state, and we have the fourth most educated work force. Of course, during the last ten years, Montana's gross product, the aggregate of all of the service and products that we produce, has increased by 65 percent. During a ten-year period we've increased by 65 percent and during that time, for your information, while we grew our gross domestic product by 65 percent, we only increased the number of real state employees by 2.4 percent. I would put that record against any government, large or small, worldwide, any corporation, or any business, large or small, to increase your output by 65 percent and only increase the number of employees by two-point-four percent. Thank you, Montana state employees, for being so efficient. Thank you.

After more than a decade of effort, the Montana Land Board put the Otter Creek tracts up for competitive auction. We recruited one of the largest coal companies on the planet, Arch Coal, to write us a check for more than \$80 million dollars just to have the right to begin to get the permits to open that mine. Let me tell you how important that mine is. That mine, during the next 30 years, will mine 1.5 billion ton of coal, approximately equal to all of the coal that we have mined during the history of Montana. It will create thousands of jobs, Duane Ankney, in your back yard, and it will send more than \$5 billion dollars worth of royalties and taxes to this Legislative body to decide what to do with during the next thirty years. Thank you to the Montana Land Board. Thank you for your efforts.

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

Now, the rest of the world recognizes Montana's business environment and money management skills. Montana's best days are ahead of us. I would ask Montana's leaders to join the course. Remember, it was the optimist who built the airplane, the pessimist who thought of the parachute.

I've invited, tonight, some of the companies that have proven to the world that Montana is the greatest place in the world to start a business. In 2009, some folks stopped into my office from a little mining company from Toronto, Canada, called RX Exploration. They said to me, "We've been buying a few of these mining patents in Montana. We're not sure what we're going to do, because we've been hearing that Montana's not a good place to mine. Regulations are tough, people don't want miners here, and they told us in Canada, bad place to mine. We got here and we even had business leaders who said 'Oh don't come here, bad place to mine.'" I said, "Listen to me, why don't we walk over to our Department of Environmental Quality, and I'll introduce you to the people who will actually do the permitting. You can ask them every question that you might have about permitting that mine." So, Murray and I, would you please stand up, stand up please, the President and CEO of RX Exploration, well, they didn't listen to those folks. They said they'd take a gamble on Montana. They went back into that Drumlummon mine, and they cored for about a week and they cored into the Charlie vein. Now, the Charlie vein has been recognized right now by mining engineers all over the world as the richest quartz vein on the planet. The Charlie vein has 12 ounces of gold and 55 ounces of silver per ton. Here's what this means: Every rock that they drag out of the mine before it's processed is worth \$8 dollars a pound, and now RX minerals is recognized around the world for developing the Drumlummon mine. Thank you for taking a risk and thank you for employing a hundred and forty Montanans.

John DeMichiei is here. Stand up, John. In May of 2008, I traveled out of state and met a fellow by the name of Wayne Boich. Wayne Boich, his father and uncle, had been in the coal business going back for the last 50 years, mostly in western Virginia and Ohio. Right away, I started telling him about all the great coal deposits we had in Montana, and it wasn't long before I was bragging up that mine that we have, we could start there in Roundup, the Bull Mountain. Well, it got kind of interesting, one thing led to another, and it was just 16 months later, after that first conversation, that they'd invested \$500 million dollars in Montana, opened the Signal Peak mine, built the longest spur on the Burlington Northern Santa Fe system in the entire western United States, 35 miles, the longest one built in the last 35, and now they have a capacity to produce a half million tons every single year. Thank you for testing us. Thank you for employing 263 miners in Montana. Thank you to Signal Peak.

Back in 2005, this body decided it was a good idea to put a little money aside, so that we could attract different companies to come here, because a lot of companies say, "I'd come to Montana but, you know, we make widgets and you don't have a single widget here in Montana. We're going to have to train people. Would you help us train those people for those emerging jobs?" It was this body that agreed to put some money aside so we could attract companies, and one of the first companies that we attracted was Don Parkin, stand up Don, Executive Vice President of Avmax. Now, Avmax repairs airplanes and with our job training and their good marketing skills and management they decided Great Falls was a great place to employ a

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

hundred and sixty people. Speaker Milburn, I believe you and I were there, together, when we cut that ribbon. Thank you, Avmax, for choosing Montana.

A billion years ago and a little longer there was an intrusion that rose up from the center of the earth. It was a molten material, and it drove its way within two miles of the surface near Billings, Montana, and then started to cool, and it spread out like the cap of a mushroom for 50 miles all around. Well, that was a billion years ago and, well, frankly, the whole world was a single continent, and we were all under ocean and nobody noticed. But, through time, there were a few changes and about 990 million years later the Beartooths rose up, your backyard there, Jason Priest, and it pushed that Stillwater complex into the mountain. Frank McAllister is here. Why don't you stand up, Frank? Frank McAllister is the CEO of Stillwater Mining Company and in that Stillwater complex, that intrusion, we have the only platinum and palladium mine in the Western Hemisphere. I mentioned to Frank here a little earlier today, he was saying he just got back from Bermuda peddling that palladium and I said, "Well Frank, don't complain, you were working just as hard two years ago when palladium was worth a hundred and eighty dollars an ounce and now it's \$785 an ounce, I think you can afford to scoot around just a little bit." Let me tell you something about Frank McAllister and the Stillwater Mine. They employ thirteen hundred and fifty-two Montanans, including 81 new hires, and a few years ago, when some of the neighbors were concerned about this mine and what kind of effluent might come from that mine and when the roads would be built and the kinds of transition lines, it was Frank McAllister that sat down with the community and the environmental community and said, "We want to be a good neighbor." They created the good neighbor policy and if you travel within a 30-mile radius of the Stillwater mine you will find neighbors who say, "We love that mine." Thank you for continuing to mine in Montana. Thank you, Frank McAllister, for being a good neighbor.

When this body passed the renewable portfolio standard in 2005, we knew that we had the best energy resources on the planet. We didn't know which companies would come here. We didn't know a company like Naturener, from Spain, knew about the wind energy of Montana. We didn't know that they would make this kind of investment. Bill Alexander, who is the Chief Development Officer in North America, would you please stand up, Bill? Naturener currently has the largest wind farm in Montana, near Shelby. It's the Glacier Wind Farm with 210 megawatts. They're building an even larger wind farm called Rim Rock with 309 megawatts. This farm, collectively, will be the largest wind farm in the Pacific Northwest. They've employed 1,200 construction workers, 50 full-time employees and they pumped \$17 million worth of royalties and taxes into the local community and to the state of Montana. Bill, thanks for believing in Montana. Thank you.

In 1996, a fifth generation ranch kid decided to do some manufacturing in Montana and he, like me, has a love for all things dogs, especially border collies, and so he started making pet toys. And then West Paw Design expanded, then expanded again, and expanded again. And people kept saying to him, "You can't manufacture in Montana, don't manufacture in the United States, take it to Asia, like everybody else." Not Spencer Williams, he's a Montana boy. He said we'll just keep growing here and, today, they sell their pet toys in 3,000 stores in 24 countries, and he employs 41 people in Bozeman. Thank you very much. Stand up, Spencer. Thank you very much. Thank you for your love of animals.

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

In 1967, an optimistic Okie started his own little oil company. He drilled and poked around in Oklahoma and Texas and Kansas and went broke and sometimes made money and sometimes made a little bit more money, and things got a little better, and he started a publically traded company called Continental Resources. Harold Hamm, well, he got to thinking about maybe coming up to the Bakken about a dozen years ago and maybe fracking it like he had some shales in some other places. Harold, would you stand up? So, Harold came up to the Bakken and he was one of the early guys and he told me here a little while ago he had it all figured out when he got here. So, he drilled about 9,000 feet deep and did all that horizontal and he fracked it and he put exactly the right kind of sand and water and chemical in it and nothing, nothing, dry hole, \$5 million gone. So, naturally, he's from Oklahoma, he did it again, and again, and again, and again, and again, and again, and finally he hit it and Harold Hamm and Continental Resources is the largest oil producer in the Bakken today. He has 853,000 acres leased. Harold Hamm, more than anybody else on the planet, is the man with the key to unlocking the oil in the most important oil deposit in the United States, but there's more to the story.

Four years ago, the oil producers in eastern Montana, western North Dakota contacted me saying, "We're getting twenty and thirty dollar discounts." Harold says, "Why? Because we're actually producing more oil than we can put in the pipelines and we have to ship some of it on the rail and these, well, these pipeline operators, well, sometimes they can be rascals." Who knew? So, we got the Governor of North Dakota and the Governor of Wyoming and a bunch of oil producers together in Billings, we talked about this. And we were able to relieve some of these bottlenecks and we got some more of that oil moving in the existing infrastructure. Price went up for a while, then they started producing more oil and more oil, and then we started getting that squeeze again. So, everybody was real excited when TransCanada announced that they're going to put this huge pipeline in--right, Harold--going all the way up there from northern Alberta right through our oil patch and on down to the markets in Cushing, Oklahoma. Eureka, we're in good shape. Harold and a bunch of the other oil guys started contacting TransCanada saying, "Boy, we'd sure like to sign up on that pipeline." And TransCanada would say, "Well, you know, we got a lot of oil already here in Alberta and we're not so sure that we want to sign five- or ten-year contracts, we want twenty. Tell you what. We'll get back to you." I heard from oil producers all over western North Dakota and eastern Montana, "We'll get back to you." So, last year we had a meeting out there in Bismarck, didn't we, Harold? We sat down and said, "We've got to do something." I promised them I'd do a little shuttle diplomacy, so back and forth between TransCanada and the oil producers, meetings in Billings, more meetings in Billings; the Governor of North Dakota came over too. TransCanada started coming to the meetings, pretty soon they started thinking maybe it'd be a good idea. Of course, it didn't hurt that we sent a letter to the Public Service Commission in Montana and we said to them, "Well, don't you think that this pipeline ought to be considered a common carrier?" And they dusted off their old law books and they sent a letter back and they said, "Yeah, common carrier." That means Harold can put his oil on that pipeline if he wants. We called TransCanada, wasn't long before they were talking and then last week TransCanada announced that they were going to invest a hundred million dollars to build an onramp in Baker and take 65,000 new barrels of oil from eastern Montana and western North Dakota. Harold, thanks for believing in us. Thanks for sticking it out.

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

The best path to a higher paying job is a good education. Most states are cutting their funding for education, but our good planning, resilient economy and money in the bank means that we can continue to invest in public education. Members of this legislature, if you choose to cut funding for public education, you do so as a reflection of your values, because we have the money in the bank.

When John and I were running for Governor, we talked to a lot of people, a lot of businesses and they said what we really need to do is reform our higher education system, because of all these new jobs that are coming to Montana. We need to have a system that trains and retrains adults and young people for these emerging jobs. John, remember? We traveled around the state. Well, I'd actually go out to eastern Montana, John kind of handled Billings, and that's what we heard, we went to Plentywood, Scobey. One time, though, after we were elected, I started getting some new information from Linda McCulloch. Then she ganged up with Carol Williams and they came in and they said, "Brian, we understand that you want to invest in higher education and these two-year programs, but don't you know that if you have another penny you ought to invest it earlier?" And then they introduced me to a fellow who'd won a Nobel Prize in economics and he told me if you invest earlier, you'll have better students when they're in eighth grade. And then I met some principals from all around the world who said the same thing, some university presidents who told me the same thing. You know I'm half German, so it took me a while, but I started listening, and these two gals, they were biting on me like dang bulldogs. And then I started noticing and I found that if we started early enough, if we start when a child is five years old, it won't matter whether their parents both are doctors or lawyers and live at the country club or whether their parents didn't even graduate from high school, like mine. If we start early enough, every child can soar to their God-given capabilities and their destiny won't be decided by how much money and how much capability and how much early education their parents can give them at home before they start school. And so, when this Legislative body decided to fund full-day kindergarten for five days for every child in Montana you started to change the world.

When you saw these children come here today, they're very special in my heart. They're third graders. They are the first graduates of Montana's full-time kindergarten and they represent the future. I want to recognize Erica Henshall, their third grade teacher, but I want to embrace Martin Coole who was their kindergarten teacher because there is a special place in heaven for those who teach in kindergarten.

I have some bad news for you. Politicians don't change the world; innovators, ideas, scientists, and engineers change the world. Montana must invest our income today from coal, oil and gas and the energy technologies of the future. We will develop Montana's energy on Montana's terms, not as a colony for our energy hungry country. Montana can lead in breaking our addiction to foreign oil, with our coal and oil and wind and gas and hydroelectricity. Let's build an energy system that's cleaner and greener, that's designed in Montana, by Montana engineers and built by Montana labor. Engineers and skilled labor that are trained at Montana's universities and through our apprenticeship programs.

My proposed budget provides enough money to cap tuition for every college student in Montana

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

going to a Montana college or university for the next two years. Don't force the burden of a tuition increase on Montana families. A tuition increase is a tax increase. Don't increase taxes on Montana families today. Our university system is the incubator of innovation. Innovators trained in Montana will create the jobs of tomorrow in Montana. Now we have two very special guests. First, I want to recognize the head Grizzly from the University of Montana, Royce Engstrom. Stand up, Royce. All right, you Grizzlies, now for the main event, the President of Montana State University, go Bobcats, Waded Cruzado. Oh, I see all of these Justices, University of Montana Law School, not so much on the Bobcat business.

Montana, we must face our challenges and one of our greatest challenges is the cost of healthcare. The Patient Protection Affordable Care act will double the size of the Montana Medicaid program and double its cost. We must do in Montana what Washington, D.C. won't or can't. We must challenge every expense in healthcare. Stop redundant testing, fewer procedures at lower costs, best management practices to decrease the number of surgeries, more efficient electronic medical records and Montana, it's time that we buy world-class medicine at a world price. That's why we've asked for a waiver from Washington, D.C., because, you see, through the Medicaid program we have a rebate system through these pharmaceutical companies. The pharmaceutical companies don't want you, the consumers, to know that they have a rebate program with the State of Montana and other states across the country where we as Medicaid patients are buying our medicine for about 25 percent of what you pay for it, or what Medicare pays for it, or what the Veterans Administration pays for it, or even your insurance company pays for it. We've asked the folks in Washington, D.C. to allow every Montanan to buy their prescription drugs through our Medicaid program saving the State of Montana \$50 million, saving the federal government \$150,000 and saving all the rest of you about a \$175 million. We think that is smart health care and we think that is Montana health care. I hope you'll support us.

We live in Montana, because we enjoy the outdoors. Our families are drawn closer when we're on the landscape of the Big Sky. We cherish our rights to access public lands. I want to thank Speaker Milburn and Senator Kendall Van Dyk, because they were the two that drew Montana together, who built a coalition around stream access so every family in Montana can enjoy our constitutional rights for accessing streams. Thank you for bringing Montana together.

And I want to recognize Ed Smith. Stand up Ed. He has been elected to this position as Clerk of the Supreme Court for 51 years, or so.

I'm proud of the land purchases made under my administration. More fishing, hunting, camping, hiking, and outdoor recreation for Montana families. It's about families, mothers, fathers, kids and grandparents, fishing, camping, and hiking together.

President Teddy Roosevelt had it right. He said, "The nation behaves well when it treats its natural resources as assets, which must be turned over to the next generation increased and not impaired in value. Conservation means development as much as it means protection."

We will be judged in this body by what we accomplish, not for the speeches delivered, the frayed nerves, the meetings, late nights, early mornings.

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2011

Ernest Hemingway said, "Never mistake motion for action."

Now, in honor of my grandfather, Mike McKernan, from County Tyrone, and my grandmother, Hannah Freel from County Donegal, I'd like to leave you with an Irish blessing.

"May you have the hindsight to know where you came from, may you have the foresight to know where you're going and may you have the insight to know when you're going too far."

God bless Montana's families, God bless Montana, and God bless America. Thank you and good evening.

Benediction was given by Monseigneur O'Neill.

President Peterson directed the committee of four to escort the official party and the governor's guests from the Chamber.

Sen. Essmann moved that the joint session be adjourned. Motion carried.

House adjourned at 8:01 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
January 27, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Bangerter. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Knox, excused. Quorum present.

Rep. McGillvray moved that the Republicans caucus. Without objection, so ordered.

House in Recess.
House Reconvened.

BILLS (O'Hara, Chairman):

1/27/2011

Correctly printed: **HB 118, HB 236, HB 249, HB 268, HB 270, HJR 4.**
Correctly engrossed: **HB 80, HB 95, HB 110, HB 125, HB 198, HB 258.**

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman):
HB 80, introduced bill, be amended as follows:

1/27/2011

1. Title, page 1, line 14 through line 16.

Strike: "CLARIFYING" on line 14 through "BENEFITS;" on line 16

2. Page 15, following line 11.

Insert: "(c) An individual may not receive more than 10 weeks of unemployment benefits for the 12-month period after filing a claim under the provisions of this section. The provisions of this section do not affect the rights of an individual to receive unemployment insurance benefits that the individual is entitled to under other provisions of state law."

And, as amended, do pass. Report adopted.

HB 110, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

Strike: "REQUIRING" on line 6 through "INSURANCE;" on line 7

2. Title, page 1, line 9 through line 10.

Strike: "CLARIFYING" on line 9 through "COVERAGE;" on line 10

3. Title, page 1, line 13.

Strike: "39-9-201,"

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

Strike: "39-71-118,"

4. Page 1, line 18 through page 2, line 6.

Strike: section 1 in its entirety

Renumber: subsequent sections

5. Page 3, line 1.

Strike: "An"

Insert: "Except for those medical benefits provided by a managed care organization or a preferred provider organization in Title 39, chapter 71, part 11, or paid pursuant to 39-71-704(4), an"

6. Page 3, line 5.

Strike: "An"

Insert: "Except for those medical benefits provided by a managed care organization or a preferred provider organization in Title 39, chapter 71, part 11, or paid pursuant to 39-71-704(4), an"

Strike: "shall"

Insert: "may"

7. Page 3, line 8.

Following: "pay"

Insert: "undisputed"

8. Page 3, line 9.

Following: "days"

Insert: "of receipt"

Strike: "statement date"

9. Page 4, line 1 through page 8, line 23.

Strike: section 3 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 118, do pass. Report adopted.

HB 125, introduced bill, be amended as follows:

1. Title, page 1, line 14.

Following: "PROVISION;"

Insert: "ELIMINATING CERTAIN REQUIREMENTS FOR BASIC AND STANDARD HEALTH BENEFIT PLANS;"

2. Title, page 1, line 15.

Following: "33-2-1904,"

Insert: "33-4-309,"

Following: "33-18-605,"

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

Insert: "33-22-508, 33-22-1803, 33-22-1821,"

3. Title, page 1, line 16.

Following: "33-2-609"

Strike: "AND"

Insert: ", "

Following: "33-22-103,"

Insert: "33-22-1827, AND 33-22-1828,"

4. Page 7, line 1.

Insert: "**Section 8.** Section 33-4-309, MCA, is amended to read:

"33-4-309. Directors -- election and term. (1) Directors of a farm mutual insurer ~~shall~~ must be elected by its members by ballot or acclamation for terms not to exceed 3 years and ~~shall~~ hold office until their respective successors are elected and have qualified.

(2) ~~No~~ An individual ~~shall~~ may not serve as a director unless the individual is a member of the insurer.""

Renumber: subsequent sections

5. Page 9, following line 14.

Insert: "**Section 10.** Section 33-22-508, MCA, is amended to read:

"33-22-508. Conversion on termination of eligibility. (1) A group disability insurance policy or certificate of insurance ~~delivered or issued for delivery or renewed after October 1, 1981,~~ must contain a provision that if the insurance or any portion of the insurance on a person or the person's dependents or family members covered under the policy ceases because of termination of the person's membership in a group eligible for coverage under the policy, because of termination of the person's employment, as a result of a person's employer discontinuing the employer's business, or as a result of a person's employer discontinuing the group disability insurance policy and not providing for any other group disability insurance or plan and if the person had been insured for a period of 3 months and ~~the person~~ is not insured under another major medical disability insurance policy or plan, the person is entitled to have issued to the person by the insurer, without evidence of insurability, group disability coverage or an individual disability policy or, in the absence of an individual disability policy issued by the insurer, a group disability policy issued by the insurer on the person or on the person's dependents or family members if application for the individual policy is made and the first premium tendered to the insurer within 31 days after the termination of the group coverage.

(2) A group insurer may meet the requirements of this section by contracting with another insurer to issue conversion policies as described in subsections (5) and (6). The conversion carrier must be authorized to act as an insurer in this state, and the commissioner shall approve the conversion policies pursuant to 33-1-501.

(3) The individual policy or group policy, at the option of the insured, may be on any form then customarily issued by the insurer to individual or group policyholders, with the exception of a policy the eligibility for which is determined by affiliation other than by employment with a common entity. In addition, the insurer or conversion carrier shall make available a conversion policy as required by subsection (6).

(4) The premium for the individual policy or group policy must be at no more than 200%

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

of the insurer's customary rate applicable to the group policy being terminated at the time of the conversion. If the person entitled to conversion under this section has been insured for more than 3 years, the premium may not be more than 150% of the customary rate of the policy being terminated at the time of the conversion. The customary rate is that rate that is normally issued for medically underwritten policies without discount for healthy lifestyles.

(5) A conversion carrier shall offer an individual or group conversion policy that provides the same schedule of benefits and covers the same eligible expenses as those being terminated. The premium for the policy must be calculated as described in subsection (4).

(6) The insurer or conversion carrier shall also make available a conversion policy, certificate, or membership contract that provides at least the level of benefits provided by the insurer's lowest cost basic health benefit plan, as defined in 33-22-1803. ~~If the insurer or conversion carrier is not a small employer carrier under part 18, the insurer shall make available a conversion policy, certificate, or membership contract that provides equivalent benefits to a basic health benefit plan as provided in 33-22-1827.~~ The conversion rate may not exceed 150% of the highest rate charged for that plan. This subsection does not apply to disability plans that provide only excepted benefits as defined in 33-22-140.

(7) The effective date and time of the conversion policy must be established to ensure that there is no break in coverage between the termination of the group policy coverage and the inception of the conversion policy."

Insert: "Section 11. Section 33-22-1803, MCA, is amended to read:

"33-22-1803. Definitions. As used in this part, the following definitions apply:

(1) "Actuarial certification" means a written statement by a member of the American academy of actuaries or other individual acceptable to the commissioner that a small employer carrier is in compliance with the provisions of 33-22-1809, based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods used by the small employer carrier in establishing premium rates for applicable health benefit plans.

(2) "Affiliate" or "affiliated" means any entity or person who directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with a specified entity or person.

(3) "Assessable carrier" means all carriers of disability insurance, including excess of loss and stop loss disability insurance.

(4) "Base premium rate" means, for each class of business as to a rating period, the lowest premium rate charged or that could have been charged under the rating system for that class of business by the small employer carrier to small employers with similar case characteristics for health benefit plans with the same or similar coverage.

(5) "Basic health benefit plan" means a health benefit plan, except a uniform health benefit plan, developed by a small employer carrier, that has a lower benefit value than the small employer carrier's standard benefit plan ~~and that provides the benefits required by 33-22-1827.~~

(6) "Benefit value" means a numerical value based on the expected dollar value of benefits payable to an insured under a health benefit plan. The benefit value must be calculated by the small employer carrier using an actuarially based method and must take into account all health care expenses covered by the health benefit plan and all cost-sharing features of the health benefit plan, including deductibles, coinsurance, copayments, and the insured individual's maximum out-of-pocket expenses. The benefit value must apply equally to indemnity-type health benefit plans and to managed care health benefit plans, including health maintenance organization-type plans.

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

- (7) "Bona fide association" means an association that:
- (a) has been actively in existence for at least 5 years;
 - (b) was formed and has been maintained in good faith for purposes other than obtaining insurance;
 - (c) does not condition membership in the association on a health status-related factor relating to an individual, including an employee of an employer or a dependent of an employee;
 - (d) makes health insurance coverage offered through the association available to a member regardless of a health status-related factor relating to the member or an individual eligible for coverage through a member; and
 - (e) does not make health insurance coverage offered through the association available other than in connection with a member of the association.
- (8) "Carrier" means any person who provides a health benefit plan in this state subject to state insurance regulation. The term includes but is not limited to an insurance company, a fraternal benefit society, a health service corporation, and a health maintenance organization. For purposes of this part, companies that are affiliated companies or that are eligible to file a consolidated tax return must be treated as one carrier, except that the following may be considered as separate carriers:
- (a) an insurance company or health service corporation that is an affiliate of a health maintenance organization located in this state;
 - (b) a health maintenance organization located in this state that is an affiliate of an insurance company or health service corporation; or
 - (c) a health maintenance organization that operates only one health maintenance organization in an established geographic service area of this state.
- (9) "Case characteristics" means demographic or other objective characteristics of a small employer that are considered by the small employer carrier in the determination of premium rates for the small employer, provided that gender, claims experience, health status, and duration of coverage are not case characteristics for purposes of this part.
- (10) "Class of business" means all or a separate grouping of small employers established pursuant to 33-22-1808.
- (11) "Dependent" means:
- (a) a spouse;
 - (b) an unmarried child under 25 years of age:
 - (i) who is not an employee eligible for coverage under a group health plan offered by the child's employer for which the child's premium contribution amount is no greater than the premium amount for coverage as a dependent under a parent's individual or group health plan;
 - (ii) who is not a named subscriber, insured, enrollee, or covered individual under any other individual health insurance coverage, group health plan, government plan, church plan, or group health insurance;
 - (iii) who is not entitled to benefits under 42 U.S.C. 1395, et seq.; and
 - (iv) for whom the parent has requested coverage;
 - (c) a child of any age who is disabled and dependent upon the parent as provided in 33-22-506 and 33-30-1003; or
 - (d) any other individual defined as a dependent in the health benefit plan covering the employee.
- (12) (a) "Eligible employee" means an employee who works on a full-time basis with a normal workweek of 30 hours or more, except that at the sole discretion of the employer, the term

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

may include an employee who works on a full-time basis with a normal workweek of between 20 and 40 hours as long as this eligibility criteria is applied uniformly among all of the employer's employees. The term includes a sole proprietor, a partner of a partnership, and an independent contractor if the sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer. The term also includes those persons eligible for coverage under 2-18-704.

(b) The term does not include an employee who works on a part-time, temporary, or substitute basis.

(13) "Established geographic service area" means a geographic area, as approved by the commissioner and based on the carrier's certificate of authority to transact insurance in this state, within which the carrier is authorized to provide coverage.

(14) (a) "Health benefit plan" means any hospital or medical policy or certificate providing for physical and mental health care issued by an insurance company, a fraternal benefit society, or a health service corporation or issued under a health maintenance organization subscriber contract.

(b) The term does not include coverage of excepted benefits, as defined in 33-22-140, if coverage is provided under a separate policy, certificate, or contract of insurance.

(15) "Index rate" means, for each class of business for a rating period for small employers with similar case characteristics, the average of the applicable base premium rate and the corresponding highest premium rate.

(16) "New business premium rate" means, for each class of business for a rating period, the lowest premium rate charged or offered or that could have been charged or offered by the small employer carrier to small employers with similar case characteristics for newly issued health benefit plans with the same or similar coverage.

(17) "Premium" means all money paid by a small employer and eligible employees as a condition of receiving coverage from a small employer carrier, including any fees or other contributions associated with the health benefit plan.

(18) "Rating period" means the calendar period for which premium rates established by a small employer carrier are assumed to be in effect.

(19) "Restricted network provision" means a provision of a health benefit plan that conditions the payment of benefits, in whole or in part, on the use of health care providers that have entered into a contractual arrangement with the carrier pursuant to Title 33, chapter 22, part 17, or Title 33, chapter 31, to provide health care services to covered individuals.

(20) "Small employer" means a person, firm, corporation, partnership, or bona fide association that is actively engaged in business and that, with respect to a calendar year and a plan year, employed at least two but not more than 50 eligible employees during the preceding calendar year and employed at least two employees on the first day of the plan year. In the case of an employer that was not in existence throughout the preceding calendar year, the determination of whether the employer is a small or large employer must be based on the average number of employees reasonably expected to be employed by the employer in the current calendar year. In determining the number of eligible employees, companies are considered one employer if they:

(a) are affiliated companies;

(b) are eligible to file a combined tax return for purposes of state taxation; or

(c) are members of a bona fide association.

(21) "Small employer carrier" means a carrier that offers health benefit plans that cover eligible employees of one or more small employers in this state.

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

(22) "Standard health benefit plan" means a health benefit plan that is developed by a small employer carrier ~~and that contains the provisions required pursuant to 33-22-1828.~~""

Insert: "Section 12. Section 33-22-1821, MCA, is amended to read:

"33-22-1821. Waiver of certain laws. ~~Except as provided in 33-22-1827, a~~ A small employer carrier may exclude any category of licensed health care practitioner and any benefit or coverage for health care services otherwise required by law or rule from a basic health benefit plan delivered or issued for delivery in this state.""

Renumber: subsequent sections

6. Page 24, line 4.

Following: "and"

Insert: "and"

7. Page 24, line 5.

Strike: subsection (e) in its entirety

Renumber: subsequent subsection

8. Page 24, line 14.

Strike: "and"

9. Page 24, line 15.

Following: "19"

Insert: "; and

(c) those relating to insurance holding company systems in Title 33, chapter 2, part 11"

10. Page 24, following line 22.

Insert: "33-22-1827. Benefits required in basic health benefit plan.
33-22-1828. Benefits required in standard benefit plan."

And, as amended, do pass. Report adopted.

HB 236, do pass. Report adopted.

HB 249, do pass. Report adopted.

HB 258, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: the first "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 5, following line 26.

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

HB 268, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 1/26/2011
HB 198, introduced bill, be amended as follows:

1. Page 1, line 11 through line 12.

Strike: ", its" on line 11 through "subsidiaries" on line 12

Following: "domain" on line 12

Strike: ", as provided in Title 70, chapter 30,"

2. Page 1, line 13 through line 14.

Following: "property" on line 13

Insert: ", as provided in Title 70, chapter 30,"

Following: "law" on line 13

Strike: "in" on line 13 through "service" on line 14

Insert: "to provide service to its customers or to provide other services in which the costs for those services are borne by the utility customers receiving the benefit of the services"

3. Page 1, line 16.

Strike: "(1)"

4. Page 1, line 17.

Following: "domain"

Strike: ", as provided in Title 70, chapter 30,"

5. Page 1, line 19 through line 21.

Strike: subsection (2) in its entirety

6. Page 1, line 27.

Insert: NEW SECTION. Section 4. Contingent voidness. If a repeal of the provisions of Title 75, chapter 1, parts 1 through 3, or a repeal of the provisions of Title 75, chapter 20, parts 1 through 4, is passed and approved during the 62nd legislative session, then [this act] is void."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HJR 4, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):
HB 95, introduced bill, be amended as follows:

1/26/2011

1. Page 7, line 8.

Strike: "formal"

Insert: "informal"

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

And, as amended, do pass. Report adopted.

TRANSPORTATION (Vance, Chairman):
HB 270, do pass. Report adopted.

1/26/2011

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/26/2011

SB 52, introduced by Tropila
SB 75, introduced by Sonju
SB 120, introduced by Brenden
SB 138, introduced by Jones

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 201, introduced by Warburton, Steinbeisser, Brown, Small, Hale, C. Smith, Hinkle, Flynn, Balyeat, Knox, Miller, G. Bennett, Skees, Regier, Kennedy, Ehli, Lavin, Hamlett, O'Hara, O'Neil, Bangerter, Edmunds, Randall, Clark, Brodehl, Hutton, Kary, Berry, Roberts, Beck, Harris, Washburn, McGillvray, K. Peterson, Salomon, Howard, Walker, MacLaren, Blasdel, Kerns, Yates, Arthun, Loney, De. Barrett, Greef, referred to Judiciary.

HB 351, introduced by Cook, referred to Appropriations.

HB 352, introduced by Osmundson, J. Peterson, Edmunds, Kennedy, Vance, C. Smith, Rosendale, Connell, referred to Natural Resources.

HB 353, introduced by Skees, Wittich, referred to Federal Relations, Energy, and Telecommunications.

HB 354, introduced by Stahl, referred to Business and Labor.

HB 355, introduced by O'Neil, Stahl, Hale, Yates, Murphy, Hendrick, Greef, Ankney, C. Smith, Hinkle, Taylor, Kary, Warburton, Kerns, Ehli, Loney, Brodehl, Wittich, Osmundson, Brown, Mowbray, Knudsen, Vance, Kennedy, K. Peterson, Salomon, Read, Jackson, Randall, Lavin, Blasdel, More, referred to Judiciary.

HB 356, introduced by Hiner, referred to Business and Labor.

HB 357, introduced by MacLaren, McGillvray, J. Peterson, Milburn, referred to Taxation.

HB 358, introduced by MacLaren, referred to Taxation.

HB 359, introduced by Vance, Read, referred to Business and Labor.

HB 360, introduced by Salomon, Read, More, Hansen, Hill, Menahan, Taylor, referred to Judiciary.

HB 361, introduced by Washburn, referred to Fish, Wildlife and Parks.

HB 362, introduced by K. Peterson, Howard, Kerns, Phillips, C. Smith, referred to State Administration.

HB 368, introduced by Warburton, Hutton, referred to Judiciary.

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Reichner in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 154 - Representative McGillvray moved consideration of **HB 154** be passed for the day. Motion carried.

HB 107 - Representative Hollenbaugh moved **HB 107** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Kennedy, Kerns, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 89

Nays: Edmunds, Ingraham, Knox, Knudsen, More, Randall, Reichner, Skees, Taylor, Wagner, Warburton.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 182 - Representative Arntzen moved **HB 182** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees,

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 86

Nays: G. Bennett, Blyton, Burnett, Edmunds, Esp, Howard, Ingraham, Kennedy, Kerns, McGillvray, Miller, More, Skattum, C. Smith.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 187 - Representative Connell moved **HB 187** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: Esp, Hansen, O'Neil.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 208 - Representative Welborn moved **HB 208** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson,

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 91

Nays: Esp, Hale, Kennedy, Kerns, McGillvray, O'Neil, Skattum, C. Smith.
Total 8

Excused: None.
Total 0

Absent or not voting: F. Smith.
Total 1

HB 229 - Representative McNutt moved **HB 229** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Mr. Speaker.
Total 1

HB 259 - Representative Loney moved **HB 259** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller,

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Esp.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 233 - Representative O'Hara moved **HB 233** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Hale, Kennedy, Kerns, Skattum.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 210 - Representative McChesney moved **HB 210** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek,

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 130 - Representative Ingraham moved **HB 130** do pass.

HB 130 - Representative McGillvray moved **HB 130**, second reading copy, be amended as follows:

1. Page 17, line 22 through line 24.
Strike: "Outreach" on line 22 through "applicable." line 24

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangarter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 35

Excused: None.
Total 0

Absent or not voting: None.

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

Total 0

HB 130 - Representative Skees moved **HB 130**, second reading copy, be further amended as follows:

1. Title, line 13 through line 14.

Strike: "AND" on line 13 through "BOXES" on line 14

2. Page 4, line 16 through line 17.

Strike: subsection (20) in its entirety

Renumber: subsequent subsections

3. Page 5, line 28.

Strike: "or an official drop box"

4. Page 15, line 10.

Following: "office"

Strike: " "

Insert: "or"

Strike: ", or an official drop box"

5. Page 15, line 15.

Following: "office"

Strike: " "

Insert: "or"

Following: "deposit"

Strike: ", or an official drop box"

6. Page 17, line 25.

Strike: "and official drop boxes"

7. Page 17, line 27 through line 29.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

8. Page 18, line 10.

Strike: "official drop boxes and"

9. Page 18, line 11.

Strike: "official drop boxes and"

10. Page 20, line 30.

Following: "office"

Strike: " "

Insert: "or"

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

Following: "deposit"

Strike: ", or in an official drop box"

11. Page 23, line 1.

Following: "office"

Strike: " "

Insert: "or"

Following: "deposit"

Strike: ", or official drop box"

12. Page 23, line 4.

Following: "office"

Strike: " "

Insert: "or"

Following: "deposit"

Strike: ", or" through "box" on line 5

13. Page 23, line 6.

Following: "office"

Strike: " "

Insert: "or a"

Following: "deposit"

Strike: ", or official drop box"

14. Page 23, line 16.

Following: "deposit"

Strike: "and drop boxes"

15. Page 24, line 11 through line 23.

Strike: subsection (6) in its entirety

Renumber: subsequent subsections

16. Page 24, line 24.

Strike: "and official drop box locations"

17. Page 24, line 27.

Strike: "and official drop box locations"

18. Page 24, line 29.

Strike: "and official drop box locations"

19. Page 25, line 2.

Strike: "and official drop box locations"

20. Page 25, line 5 through line 6.

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

Strike: "or " on line 5 through the first "location" on line 6

21. Page 25, line 6 through line 7.

Following: "election"

Strike: "or if" on line 6 through "reason" on line 7

22. Page 25, line 10.

Strike: "official drop box"

Insert: "place of deposit"

23. Page 25, line 12.

Strike: "and each official drop box location"

24. Page 25, line 21 through line 22.

Strike: subsection (12) in its entirety

Renumber: subsequent subsections

25. Page 25, line 26.

Strike: "or official drop box locations"

Amendment **not** adopted as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Connell, Cuffe, Edmunds, Esp, Flynn, Hale, Hansen, Harris, Hollandsworth, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, Miller, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 46

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Brodehl, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Welborn, Williams, Wilmer.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 130 - Representative Ingraham moved **HB 130**, as amended, do pass. Motion carried as follows:

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Cook, Court, Driscoll, Esp, Evans, Fitzpatrick, Furey, Hands, Hansen, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer.
Total 57

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Flynn, Gibson, Greef, Hale, Harris, Hollandsworth, Howard, Kennedy, Kerns, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Vance, Wagner, Yates, Mr. Speaker.
Total 43

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Reichner moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 88

Nays: B. Beck, Blasdel, Hale, Harris, Kerns, Miller, Skees.
Total 7

Excused: Knox.
Total 1

Absent or not voting: Evans, Hill, Hoven, Reichner.
Total 4

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 37 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Cuffe, Klock.

Total 2

HB 52 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Edmunds, Hale, Kennedy, Kerns, Knox.

Total 5

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 76 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Harris.

Total 1

HB 103 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Hansen, Skattum, Vance, Warburton.

Total 4

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 120 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Court, Hansen, Loney, Malek, McClafferty, Noonan, Reinhart, Vance, Williams.

Total 9

Excused: None.

Total 0

Absent or not voting: Lavin, McNiven.

Total 2

MOTIONS

Representative C. Smith moved **HB 342** be moved from the Judiciary committee to the Business and Labor committee.

Representative C. Smith moved **HB 341** be moved from the Judiciary committee to the Business and Labor committee.

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 156**
Motion carried.

HB 156 (F. Smith Chief Sponsor)
Representative MacLaren.

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2011

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 318**
Motion carried.

HB 318 (Warburton Chief Sponsor)
Representative Kary, McNiven.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Friday, January 28, 2011. Motion carried.

House adjourned at 3:30 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana
January 28, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Bennett. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Hunter, Knox, and More, excused. Quorum present.

BILLS (O'Hara, Chairman): 1/28/2011

Correctly printed: **HB 20, HB 64, HB 131, HB 156.**

Correctly engrossed: **HB 53, HB 66, HB 101, HB 142.**

Rep. Hands moved that the Democrats Caucus. Without objection, so ordered.

House in Recess.
House Reconvened.

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (MacLaren, Chairman): 1/27/2011
HB 20, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman): 1/28/2011
HB 53, introduced bill, be amended as follows:

1. Page 4, line 10.
Strike: "unmarried"

2. Page 10.
Following: line 3

Insert: "NEW SECTION. Section 6. Contingent voidness. (1) If provisions of Public Law 111-148, the Patient Protection and Affordable Care Act, or Public Law 111-152, the Health Care and Education Reconciliation Act, that mandate that a health insurance plan, such as a plan governed under 2-18-704, provide coverage for a dependent until the dependent reaches 26 years of age are amended, repealed, or determined by the U.S. supreme court to be unconstitutional or unenforceable, then the amendment in 2-18-704(9), as amended by [this act], striking "25" and inserting "26" is void as of the effective date of the amendment, repeal, or court decision.

(2) Upon determination by the department of administration that the contingency described in subsection (1) has been met, the department shall notify the code commissioner."

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

HB 64, do pass. Report adopted.

HB 66, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: ";

Insert: "PROVIDING RULEMAKING AUTHORITY;"

2. Title, page 1, line 8.

Strike: "SECTION"

Insert: "SECTIONS 2-6-203 AND"

3. Page 2.

Following: line 1

Insert: "**Section 1.** Section 2-6-203, MCA, is amended to read:

"2-6-203. Secretary of state's powers and duties -- rulemaking authority. (1) In order to ~~insure~~ ensure the proper management and safeguarding of public records, the secretary of state shall ~~undertake~~ the following:

(a) establish guidelines for inventorying, cataloging, retaining, and transferring all public records of state agencies;

(b) review and analyze all state agency filing systems and procedures and approve filing system equipment requests;

(c) establish and operate the state records center, as authorized by appropriation, for the purpose of storing and servicing public records not retained in office space;

(d) gather and disseminate information on all phases of records management, including current practices, methods, procedures, and devices for the efficient and economical management of records;

(e) operate a central microfilm unit ~~which~~ that will microfilm, on a cost recovery basis, all records approved for filming by the office of origin and the secretary of state; ~~and~~

(f) approve microfilming projects and microfilm equipment purchases undertaken by all state agencies; and

(g) adopt rules regarding management of public records.

(2) Upon request, the secretary of state shall assist and advise in the establishment of records management procedures in the legislative and judicial branches of state government and shall, as required by them, provide services similar to those available to the executive branch.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 131, do pass. Report adopted.

HB 142, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "THE"

Insert: "STATUTORILY ESTABLISHED"

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

2. Page 1, line 22.

Following: "review"

Insert: "statutorily established"

And, as amended, do pass. Report adopted.

HB 156, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/27/2011

SB 106, introduced by Priest

SB 125, introduced by Wittich

Senate joint resolution passed and transmitted to the House for concurrence: 1/27/2011

SJR 7, introduced by Brenden

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 363, introduced by Cuffe, Vincent, G. Bennett, referred to Fish, Wildlife and Parks.

HB 364, introduced by Hale, Hendrick, Wagner, Skees, Flynn, Warburton, O'Neil, Ingraham, Edmunds, Loney, Arntzen, referred to Natural Resources.

HB 365, introduced by Menahan, referred to Judiciary.

HB 366, introduced by Rosendale, Loney, C. Smith, Jackson, O'Hara, Vance, Tutvedt, Sonju, Priest, referred to Local Government.

HB 367, introduced by MacLaren, Sonju, referred to Business and Labor.

HB 369, introduced by Warburton, referred to Judiciary.

HB 370, introduced by Squires, referred to Fish, Wildlife and Parks.

HB 371, introduced by O'Neil, Murphy, Jackson, Blasdel, referred to Judiciary.

HB 372, introduced by Washburn, referred to Fish, Wildlife and Parks.

HB 373, introduced by Evans, O'Hara, referred to Local Government.

HB 374, introduced by Hansen, O'Hara, Murphy, Menahan, Larsen, Warburton, Augare, MacDonald, Sands, Jent, C. Williams, J. Peterson, Hutton, referred to Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Court in the chair.

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 225 - Representative Welborn moved **HB 225** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Williams.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Court moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: None.

Total 0

Excused: Hunter, Knox, More.

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

Total 3

Absent or not voting: Hendrick, Schmidt, Welborn.

Total 3

MOTIONS

Sergeant-at-Arms Bean notified Speaker Milburn that the Honorable Senate of the State of Montana awaits outside the Chamber.

Speaker Milburn requested Sergeant-at-Arms Bean admit the Honorable Senate into the House.

Speaker Milburn introduced Senate President Jim Peterson and yielded the chair to him.

Senator Essmann moved that the body resolve itself into a joint session for the purpose of receiving an address from the Honorable, Senator Max Baucus. Motion carried.

Senator Essmann moved that President Peterson be authorized to appoint a committee of four to notify Senator Baucus that the body is in joint session and ready to receive his address. Motion carried.

President Peterson appointed Senators Tutvedt and Gillan, and Representatives Burnett and Sands to escort Senator Baucus into the House Chamber.

Sergeant-at -Arms Clark announced that the Honorable, Senator Max Baucus, awaits entrance to the House.

The committee escorted Senator Baucus into the chambers.

President Peterson introduced Senator Baucus to the joint session.

Senator Baucus gave the following remarks:

Good afternoon, Mr. Speaker, Mr. President, Members of the House and Senate, those of you joining us in the gallery, distinguished guests:

It's good to be back here with you all. I have fond memories of this chamber and of the work we accomplished. I always like to see who's sitting in my old desk. Today, it's Matt Rosendale from Glendive.

Matt, congratulations on your victory, welcome to the Montana Legislature, and thank you for your service.

There are a lot of new names and faces around here, and I want to congratulate you all.

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

I'm glad to hear that the Representative James Knox is healing up and doing better. I want to wish him a speedy recovery.

I want to say a special hello to Carol Williams, who was the first woman elected as Senate Majority Leader in this state's history. And I'd like to tip my hat to Senator Kim Gillan, Senate Minority Whip. Carol and Kim, I know you are serving your last terms in the Senate and I want to thank you for your tremendous service and leadership in so many capacities and, of course, for your friendship.

And a special recognition to my mother, who I know is at home thinking of me right now.

Let's also take a moment to remember everyone who has served our great state here in the Legislature and all of our old friends who aren't with us today.

I'd also like to remember our fallen heroes, who lost their lives serving their country.

And please, let's take a moment of silence to recognize an amazing young man, Trooper David DeLaittre of Three Forks, who gave the ultimate sacrifice serving the people of Montana: keeping us all safe. Let's bow our heads.

David was shot and killed in the line of duty during a routine traffic stop.

Just think of it: He was only 23 years old, and for much of his life, his only dream was to be a Montana Highway Patrolman like his father.

Every day that he went to work, he assumed the risk that comes with protecting each of us.

I want to thank you, Senator Wittich, for your bill to create the David DeLaittre Memorial Highway on the four-mile sections of U.S. Highway 287 through Three Forks. There's nothing we can give to David, or to his family, that will come close to what he sacrificed. But David is a hero to all of us, and we'll never forget him.

The next time we see a highway patrolman or a police officer, let's take a few seconds to thank them for what they do. They don't hear it enough.

I want to start today by telling you a story about eight extraordinary Montanans who set an inspiring example. It reminds me how when we join forces we can overcome difficulty and do what's right.

Two years ago, the community of Glasgow united as result of an unthinkable tragedy.

A man fatally shot Melissa Greenhagen, mother of three and part-time emergency medical technician. When Scott Billingsly and his wife Suzanne, a nurse, ran to help her, the gunman shot and wounded both of them!

That night, the Glasgow community rose to the higher cause. The reservation police force, the

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

Sheriffs's office, and the highway patrol all worked together to track down the sniper who fatally shot Melissa and wounded Scott and Suzanne.

And because of their unwavering commitment to keep the folks in their community safe, the President of the United States personally awarded eight of these men and women—known now as the Elite Eight—one of the nation's highest law enforcement honors: Something known as the Top Cops Award. I was at the White House that day, and let me tell you, I was so darned proud.

These people are incredible. They answered the call of duty, without fearing for their own safety. They just did what they needed to do.

We are all public servants who owe the same dedication to the people of Montana. It's our obligation to look each other in the eye, join forces, and do the very best we can to make life better for the people who serve.

We need to talk about our very biggest priority: Jobs! Montanans need our commitment to putting jobs first, everyday, as you work here in the legislature and I work in the Senate.

There's an old saying: "When the guy in Havre's out of work, it's an economic slowdown. When your brother-in-law's out of work, it's a recession. When you're out of work, it's a depression."

It doesn't matter what you call it, we are emerging from the greatest economic decline in 80 years. Companies that have been the backbone of America's economy have cut jobs in record numbers.

But think for a moment about a friend of yours, one of your family members, or a neighbor who lost their job. Think about how hard it must be, knowing you just cashed your last paycheck—with a family at home depending on you.

It's our job to help businesses change that. Montana is strong, and we have so much to be proud of. But we can do even better. We must continue to do all we can to help build a stronger economy. And we need to keep making education a priority—because today's students are tomorrow's innovators and business leaders. Our kids are going to lead us into the future. We want them well prepared.

As often as I can, I spend a day working at a Montana business.

I've had some great days driving trucks, paving roads, building houses—even building guns up in the Flathead. Last week I was in Hamilton serving lunch, making coffee and scrubbing tables at the River Rising bakery and deli. It's so rewarding working alongside Montanans.

We Montanans work hard. Montanans get a job done and we do it right the first time. It's in our nature. It's what we were born and bred to do.

When I go back to Washington, it's those hard-working Montanans who inspire me. I see their faces and I remember their stories. For them, I make a promise to myself every day. I say,

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

“Max, do the best job you can, and remember who you serve.”

It’s because of them that I work every day to help our small businesses get the tools they need to grow and thrive. Montana’s a small business state—and if our small businesses succeed, that means our economy is moving in the right direction. It means more good-paying jobs for hard-working folks.

We passed bills in the Senate to do just that: to cut taxes and help small businesses create jobs. We did that with my Small Business Jobs Act, which is already giving some gas to the engines that will make our economy stronger and more vibrant.

The bill includes \$12 billion in tax cuts for small businesses. It helps businesses increase cash flow and get access to loans they need to grow.

Take Brown’s Automotive in Billings. Brown’s does transmission repairs that require big investments in equipment, like lifts and scanners. When business is slow, buying heavy equipment can put a major strain on cash flow.

Because of the Small Business Jobs Act, Brown’s can now write off a portion of their new equipment costs. That helps them maintain their cash flow. It also encourages them to make more investments.

We also passed the HIRE Act, which will create 5.6 million new jobs—many right here in Montana—by cutting payroll taxes for Montana businesses that hire new workers.

We passed the bipartisan tax cut compromise, which kept tax cuts for ALL Montanans and provides estate tax relief that works for Montana ranchers and farmers.

We held our 5th Economic Development Summit in Butte last September. The summit brought business leaders from across the country together with Montana entrepreneurs to create jobs.

Thanks to the summit, a home-grown, Butte family company called Seacast is partnering with GE to build high-tech parts for jet engines at its new Butte facility. That’s more Montana jobs.

It’s just one example of real results from the Summit. It’s also an example of how research and innovation, and the ability to sell to markets worldwide, are key to the future of the American economy.

When Warren Buffett kicked off the summit, he said “I am a huge bull on this country. We will not have a double-dip recession at all. I see our businesses coming back almost across the board.”

Warren’s a smart guy. And that’s the attitude we need when we think about moving Montana forward.

There are great things happening in Montana. Thirteen years ago, right here in Helena, Tom

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

Hoffman, an entrepreneur with nothing but big dreams, started a little company called Summit Aeronautics. Before he sold his business to Boeing this past December, he had 100 employees. Now that's Montana innovation. That's Montana drive. Because Montana can compete.

Now that we're all here today in the same chamber, it's my chance to look all of you in the eye and talk about something that's on all of our minds.

See, I thought I'd take a break. You know, get away from it all. Escape the big health care debate in Washington.

So I came home to spend a little more time with you all.

In all seriousness, I know there are a lot of strong feelings in this room about health care. And I feel pretty strongly that we can work together to improve this bill. To make it fit just right for Montana.

Look at the 1099 reporting provision. Small business owners and folks across the state said it would make their lives harder—and as a result, I introduced an amendment to get rid of that provision. We'll get it fixed, because it's the right thing to do.

We need to give the health care law a chance to work.

Last year the cost of paying for folks without health insurance in Montana totaled \$220 million. That means every Montana family with insurance had to pay an additional \$2,100 on their premiums to cover the cost. That's money out of Montanans' pockets. That's just unacceptable.

Independent, nonpartisan economists have determined that repealing the health care law would add more than \$1 trillion to our debt over the next 20 years and take away \$460 billion in tax cuts for middle class folks, families and small businesses.

And the health care law is already helping Montanans.

Twenty-six thousand Montana small businesses already qualify for tax cuts on the tax returns they're filing right now. And the health care law enables folks to find quality health insurance they can actually afford.

Parents can now keep their kids on their health insurance up to age 26, which means a lot for college grads struggling to find work in today's economy. And about 8,000 Montana seniors on Medicare are getting much needed help to cover the cost of expensive prescription drugs.

Insurance companies can no longer deny coverage to children who are sick, and eventually every Montanan will have this same protection. That means peace of mind for more than 426,000 Montanans with pre-existing conditions. That means parents like David Hutchins in Missoula can sleep easier at night.

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

David's young son Elijah has leukemia and Down syndrome. Before the health care law, he couldn't get coverage under private insurance. Luckily, Elijah qualifies for Medicaid because his dad only works part-time while attending school. But if David's income were to increase, Elijah would lose coverage.

The day this protection kicked in, David said: "By requiring health insurance companies to do the right thing and guarantee coverage for kids like my son, the new health care law has lifted a huge burden from my family."

This law is about lowering costs, improving choice and putting patients back in control. It'll reduce our deficit. It'll make the entire health care system stronger.

Let's rise above the rhetoric, look at the challenges on both sides and imperfections before us, and move forward together.

Look at some of the other challenges we face. Take the North Fork. We returned more than 80 percent of leased acreage up there. And we did it at no cost to taxpayers.

Because this land, it's ours—and it's our job to make sure our children, grandchildren, and their children get to see it, and truly love it the way we do.

We're working to put wolves back under Montana's control, because Montanans—not Washington bureaucrats—know best how to manage wolves. We need to come up with a solution that works for us.

I'm working to pass a program called the Freedom Fuels Act, which will use Montana-grown camelina and Montana coal to help us become less dependent on foreign oil and create jobs in our state.

So many of the commodities that people all over the world use come from Montana. Coal, oil and gas. And it isn't just energy.

Our Ag community really drives this economy. Our wheat, our livestock. Our hard-working farmers and ranchers.

This spring I'm going to hold listening sessions around the state to gather ideas as we write the next Farm Bill. As the only member of Montana's delegation on an Ag Committee, I'm going to make sure our producers get a fair shake.

We truly have it all here.

The Montana wind blowing across the plains, which was once a scourge to our ancestors, now holds great potential for our future.

That's why I made sure the tax cuts we passed last year included a provision to provide

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

renewable energy companies with money up-front to cover 30 percent of the costs of renewable power facilities, like wind farms and solar projects.

We have wind, we have the potential—now we need the infrastructure to export it. Last October I went to Shelby to celebrate the construction of the MATL transmission line. This line will be the first to connect electricity from Montana into Alberta and beyond. It's a new chapter in creating good-paying jobs and securing our energy future.

The next time the wind in Great Falls, Judith Gap or Livingston nearly blows us over, maybe we'll smile, knowing Montana ingenuity has transformed a nuisance into a life-giving resource.

We have an abundance of another very different, very unique asset. Our service members and veterans are, and have always been, bright stars in this state. One in ten Montanans is a vet.

Just think about that. We have over 100,000 vets in Montana. I'm so proud of these men and women, and I will never, ever stop working in their best interest.

I put together something called the VETs Jobs Act, which will help more of our vets get good-paying jobs when they come home from serving abroad. I know we can agree that taking care of these men and women who have sacrificed for our country isn't just the right thing to do; it's the only thing to do.

There's a lot more work to get done. And we're just getting started. But we can't do it all alone.

We live up to the example of our veterans when we act civilly toward each other. I've been in Washington long enough to know the environment hasn't been this toxic in a generation. I'm not talking about disagreeing about policy, or even politics.

Unless you've been lucky enough to avoid cable TV for the last few years, you know what I'm talking about. Name-calling, cheap shots, personal attacks. On both ends of the spectrum we don't do that in Montana. We just don't wear it well. It's not our style.

Senate President Jim Peterson's got it right. It makes more sense, and it's just plain simpler, to live by the code of the West.

Because in Montana, we may disagree here in this Chamber during the day, but in the evening we still sit down together and laugh about it over a beer...Just don't tell the Governor.

I've seen both parties control the U.S. Senate plenty of times. And here's what I've learned: not a lick of work gets done until we decide to work together, regardless of who's in charge.

A lot of folks have made this point over the years and they're right.

Helen Keller once said: "Alone we can do little; together we can do so much."

And my mentor and friend Mike Mansfield said:

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

“We’ll have to set examples for those who will follow us, and recognize that we don’t know it all. So we should listen to the other person. And that other person sometimes is right, sometimes we are wrong. It will be a matter of accommodation and compromise, knowledge and understanding.”

These were Mike’s words of advice in November 1989, to a group of wide-eyed young people as they looked ahead to bright futures, wondering who they’d become and how they would change the world.

But his words couldn’t be more true to all of us here today—grown men and women charged with a momentous task. For us, it is not an option to simply look ahead to a bright future for Montana—we must create it. We will build it, and we will do it together.

It won’t be easy, but in Montana, “can’t” isn’t in our vocabulary.

It has been a great honor to speak to you today. It’s also a great honor to speak in the shadow of Charlie Russell’s largest painting, which will be celebrating its 100th birthday next year.

I’d like to leave you some of C.M. Russell’s words that never fail to remind me how blessed we are to be Montanan. He said:

“Guard, protect and cherish your land, for there is no afterlife for a place that started out as heaven.”

As we look forward, I remind you that in your hands, more than in mine, rests the future of our state. Be wise. Be prudent. Serve those who have entrusted you. We are so lucky! Together, we can make Montana an even better place than it is today.

Thank you.

President Peterson directed the committee of four to escort Senator Baucus from the joint session.

Senator Essmann moved that the joint session of the 62nd Legislature be adjourned. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 107 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel,

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Kennedy, Klock, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: G. Bennett, Cuffe, Hale, Ingraham, Kerns, Knox, Knudsen, Randall, Skees, Taylor, Wagner, Warburton.

Total 12

Excused: More.

Total 1

Absent or not voting: Hansen, MacLaren, O'Hara, Phillips.

Total 4

HB 182 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

Nays: G. Bennett, Burnett, Edmunds, Esp, Howard, Ingraham, Kennedy, Kerns, Knox, McGillvray, Miller, Skattum, C. Smith.

Total 13

Excused: More.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

HB 187 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 95

Nays: Hansen, O'Neil.
Total 2

Excused: More.
Total 1

Absent or not voting: Esp, Hoven.
Total 2

HB 208 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.
Total 87

Nays: B. Bennett, Esp, Hale, Kennedy, Kerns, Knox, McGillvray, O'Neil, Read, Skattum, C. Smith, Williams.
Total 12

Excused: More.
Total 1

Absent or not voting: None.
Total 0

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

HB 229 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: None.
Total 0

Excused: More.
Total 1

Absent or not voting: Barrett, McChesney.
Total 2

HB 259 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: Esp.
Total 1

Excused: More.
Total 1

Absent or not voting: None.
Total 0

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

HB 130 failed as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Hands, Hansen, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Ingraham, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.

Total 42

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Gibson, Greef, Hale, Harris, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 57

Excused: More.

Total 1

Absent or not voting: None.

Total 0

HB 233 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Hale, Kennedy, Kerns, Knox, Skattum.

Total 5

Excused: More.

Total 1

Absent or not voting: Squires.

Total 1

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

HB 210 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: More.

Total 1

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Court in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 3 - Representative McClafferty moved **HJR 3** be adopted. Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Blyton, Boland, Connell, Court, Driscoll, Ehli, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Klock, Lavin, MacDonald, MacLaren, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Warburton, Welborn, Williams, Wilmer, Yates.

Total 44

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney,

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Washburn, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: Hunter.

Total 1

HB 169 - Representative Klock moved **HB 169** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Fitzpatrick.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 172 - Representative Washburn moved **HB 172** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 68

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 178 - Representative Howard moved **HB 178** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 101 - Representative MacDonald moved **HB 101** do pass.

HB 101 - Representative Hendrick moved **HB 101**, second reading copy, be amended as follows:

1. Title, page 1, line 10.

Strike: "IMMEDIATE" on line 10.

2. Page 2, line 12 through line 13.

Following: "made"

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

Strike: "at" on page 2, line 12 through "Title 2, chapter 7, part 5." on line 13

Insert: "in compliance with the requirements of Title 2, chapter 7, part 5, at the expense of the district."

3. Page 2, line 28.

Following: "shall" on line 28

Insert: "ensure that the district establishes and maintains a system of auditing and accounting that shows the financial condition of the district, draw or cause the secretary to draw warrants to pay demands made against the district that have been first approved by at least three members of the board and the general manager, and"

4. Page 5, line 5.

Strike: "on passage and approval" on page 5, line 5

Insert: "July 1, 2011"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: More.

Total 1

Absent or not voting: None.

Total 0

HB 101 - Representative MacDonald moved **HB 101**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham,

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Court moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 68

Nays: Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.

Total 29

Excused: Hunter, Knox, More.

Total 3

Absent or not voting: None.

Total 0

MOTIONS

Representative Kerns moved **HB 321** be moved from the Fish, Wildlife and Parks committee to the Judiciary committee.

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 2011

Representative Greef moved to change his vote on **HJR 3** from aye to no. Without objection, so ordered.

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 83**
Motion carried.

HB 83 (Berry Chief Sponsor)

Representative Gallus, Gillan, Hamlett, Hutton, Larsen, Olson, Tutvedt, Vuckovich, Zinke.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Saturday, January 29, 2011. Motion carried.

House adjourned at 3:17 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
TWENTY-THIRD LEGISLATIVE DAY**

Helena, Montana
January 29, 2011

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Roberts. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Clark, Knox, and More, excused. Quorum present.

BILLS (O'Hara, Chairman): 1/29/2011

Correctly printed: **HB 19, HJR 5.**

REPORTS OF STANDING COMMITTEES

HUMAN SERVICES (Howard, Chairman): 1/28/2011
HB 19, do pass. Report adopted.
HJR 5, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/28/2011

SB 103, introduced by Jackson
SB 104, introduced by Priest
SB 165, introduced by Balyeat
SB 203, introduced by Zinke

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Cuffe in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 106 - Representative Lavin moved **HB 106** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli,

HOUSE JOURNAL
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2011

Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Belcourt, Hale, Klock.

Total 3

Excused: More.

Total 1

Absent or not voting: None.

Total 0

HB 144 - Representative Washburn moved **HB 144** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 73

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams.

Total 26

Excused: More.

Total 1

Absent or not voting: None.

Total 0

HB 176 - Representative Kary moved **HB 176** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel,

HOUSE JOURNAL
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2011

Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: G. Bennett, Burnett, Kerns, Roberts.

Total 4

Excused: More.

Total 1

Absent or not voting: None.

Total 0

HB 95 - Representative McNutt moved **HB 95** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: Burnett, Cuffe, Edmunds, Hale, Kennedy, Kerns, Miller, O'Neil, Osmundson, Randall, Rosendale, Salomon, Skattum, Skees, Wagner, Warburton.

Total 16

Excused: More.

Total 1

Absent or not voting: None.

Total 0

HB 270 - Representative Lavin moved **HB 270** do pass. Motion carried as follows:

HOUSE JOURNAL
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2011

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 90

Nays: Edmunds, Esp, Hale, Kary, Kennedy, Kerns, Peterson, Roberts, Wagner.

Total 9

Excused: More.

Total 1

Absent or not voting: None.

Total 0

HJR 4 - Representative K. Peterson moved **HJR 4** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 76

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, Menahan, Phillips, Price, Reinhart, Sands, Schmidt, Squires, Swanson, Williams, Wilmer.

Total 23

Excused: More.

Total 1

Absent or not voting: None.

Total 0

HB 236 - Representative Greef moved **HB 236** do pass. Motion carried as follows:

HOUSE JOURNAL
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2011

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 80

Nays: B. Bennett, G. Bennett, Court, Hale, Hands, Kennedy, Kerns, MacDonald, Malek, McClafferty, McGillvray, Miller, Pease-Lopez, Randall, Read, Reinhart, Sands, Wagner, Warburton.

Total 19

Excused: More.

Total 1

Absent or not voting: None.

Total 0

HB 258 - Representative Edmunds moved **HB 258** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: More.

Total 1

Absent or not voting: None.

Total 0

HB 268 - Representative Klock moved **HB 268** do pass. Motion carried as follows:

HOUSE JOURNAL
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2011

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: More.
Total 1

Absent or not voting: None.
Total 0

HB 159 - Representative C. Smith moved **HB 159** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 68

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Greef, Hands, Hill, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 31

Excused: More.
Total 1

Absent or not voting: None.
Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Cuffe moved the Committee of

HOUSE JOURNAL
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2011

the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacLaren, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 78

Nays: Boland, Court, Hands, MacDonald, Malek, McChesney, McNally, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson.
Total 18

Excused: Clark, Knox, More.
Total 3

Absent or not voting: Ankney.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 101 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: None.
Total 0

Excused: Clark, More.

HOUSE JOURNAL
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2011

Total 2

Absent or not voting: None.

Total 0

HB 169 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Clark, More.

Total 2

Absent or not voting: None.

Total 0

HB 172 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams.

Total 30

Excused: Clark, More.

HOUSE JOURNAL
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2011

Total 2

Absent or not voting: None.

Total 0

HB 178 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 33

Excused: Clark, More.

Total 2

Absent or not voting: Hansen.

Total 1

HB 225 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

HOUSE JOURNAL
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2011

Excused: Clark, More.

Total 2

Absent or not voting: None.

Total 0

MOTIONS

Representative McChesney moved to change his vote on **HB 172** from no to aye. Without objection, so ordered.

Representative Washburn moved to change his vote on **HB 1** from not voting to yes. Without objection, so ordered.

Representative Arntzen moved to change his vote on **HB 178** from not voting to yes. Without objection, so ordered.

Representative McGillvray moved **HB 159** be moved from the Committee of the Whole committee to the Appropriations committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Monday, January 31, 2011. Motion carried.

House adjourned at 3:15 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
TWENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
January 31, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by St. Paul's United Methodist Choir, introduced by Rep. MacDonald. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Connell, excused. Quorum present.

BILLS (O'Hara, Chairman): 1/31/2011

Correctly engrossed: **HB 79, HB 196.**

Correctly printed: **HB 24.**

The members of Central Services, Information Technology and Financial Services/Human Resources were introduced.

Rep. Taylor introduced our pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman): 1/31/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 12:00 p.m., Saturday, January 29, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Duncan Livingston, Eureka Sam Misplon, Helena Kacey Gollehon, Choteau Emily Casebolt, Livingston Morgan Kuntz, Dillon Tory Byrd, Great Falls Tucker Vanden Bos, Valier

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, January 31, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Allison Cazier, Toston Carlton Michel, East Helena Cree Shield, Great Falls Amber Stenson, Dupuyer

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2011

Clint Cooper, Polson
Dustin Lenz, Billings
Ashlee Kane, East Helena

Report Adopted.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Hendrick, Chairman):

1/28/2011

HB 24, do pass. Report adopted.

HB 79, introduced bill, be amended as follows:

1. Page 3, line 1 through line 3.

Strike: "(a) The" on line 1 through "(b)" on line 3

And, as amended, do pass. Report adopted.

HB 196, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "DIRECTING"

Insert: "ALLOWING"

2. Page 1, line 14 through line 16.

Strike: line 14 through line 16 in their entirety

3. Page 1, line 24.

Strike: "shall"

Insert: "may, if funds are available,"

4. Page 1, line 30.

Strike: "shall"

Insert: "may"

Strike: "thorough, independent,"

5. Page 2, line 1.

Strike: "shall"

Insert: "may"

6. Page 2, line 4.

Strike: "shall"

Insert: "may"

7. Page 2, line 11.

Strike: "review"

Insert: "economic analysis"

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2011

8. Page 2, line 12.

Strike: "and analysis"

9. Page 2, line 18 through line 20.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

10. Page 2, line 21.

Strike: "shall"

Insert: "may"

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 375, introduced by Cook, Hollandsworth, referred to Appropriations.

HB 376, introduced by C. Smith, Gibson, Howard, Taylor, Roberts, Clark, Osmundson, Knudsen, McGillvray, Blasdel, Flynn, Reichner, referred to Human Services.

HB 377, introduced by Warburton, Caferro, Windy Boy, Lewis, Hunter, De. Barrett, Branae, Wanzenried, Ingraham, Hutton, Gillan, Pease-Lopez, Blasdel, Stahl, referred to Human Services.

HB 378, introduced by Wilmer, C. Williams, referred to Business and Labor.

HB 379, introduced by Menahan, referred to Judiciary.

HB 380, introduced by Blasdel, McChesney, Olson, Belcourt, referred to Local Government.

HB 381, introduced by Kerns, referred to Judiciary.

HB 382, introduced by Kennedy, G. Bennett, Kerns, Loney, referred to Judiciary.

HB 383, introduced by Phillips, referred to Natural Resources.

HB 384, introduced by Kerns, referred to Judiciary.

HB 385, introduced by Reinhart, Wanzenried, Malek, O'Hara, Squires, McClafferty, Furey, Price, Pease-Lopez, Welborn, Rosendale, referred to Appropriations.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Rosendale in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 110 - Representative Welborn moved consideration of **HB 110** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2011

HB 118 - Representative Hunter moved **HB 118** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: G. Bennett, Blasdel, Blyton, Cuffe, Hale, Kary, Kerns, Knox, Skattum, C. Smith, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 125 - Representative Klock moved **HB 125** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: G. Bennett, Blyton, Burnett, Edmunds, Flynn, Hale, Kennedy, Kerns, Knox, More, Randall, Skattum, Skees, C. Smith, Vance, Wagner.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2011

HB 249 - Representative Fitzpatrick moved **HB 249** do pass. Motion carried as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.

Total 61

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer, Yates.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 20 - Representative Hendrick moved **HB 20** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

Nays: G. Bennett, Cuffe, Esp, Hale, Kerns, McNutt, Miller, Reichner, Small, Wagner, Warburton, Welborn.

Total 12

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2011

HB 64 - Representative Stahl moved **HB 64** do pass.

HB 64 - Representative Stahl moved **HB 64**, second reading copy, be amended as follows:

1. Page 1, line 23 through line 24.

Strike: subsection (f) in its entirety

Renumber: subsequent subsection

2. Page 1, line 27.

Following: line 26

Insert: "(2) The department shall adopt administrative rules regarding the loaning of employees between agencies and assigning responsibility for salary and benefits. The rules may not allow agencies to loan employees in excess of 3 months except for employees loaned for fires or other declared emergencies."

Renumber: subsequent subsections

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 35

Excused: Connell.

Total 1

Absent or not voting: None.

Total 0

HB 64 - Representative Stahl moved **HB 64**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven,

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2011

McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 32

Excused: None.

Total 0

Absent or not voting: Esp.

Total 1

HB 131 - Representative Menahan moved **HB 131**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 156 - Representative F. Smith moved **HB 156** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey,

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2011

Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 82

Nays: B. Beck, Blasdel, Burnett, Edmunds, Esp, Flynn, Hendrick, Kennedy, Kerns, McNiven, More, Peterson, Regier, Reichner, Skattum, C. Smith, Vance.

Total 17

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 80 - Representative Arntzen moved **HB 80** do pass.

HB 80 - Representative Reinhart moved **HB 80**, second reading copy, be amended as follows:

1. Title, page 1, line 16.

Following: "BENEFITS;"

Insert: "CLARIFYING APPLICABILITY OF UNEMPLOYMENT BENEFITS FOR VICTIMS OF CERTAIN CRIMES AND MAKING THEIR BENEFITS UNIFORM WITH OTHER UNEMPLOYMENT BENEFITS;"

2. Page 15, line 12 through line 15.

Strike: subsection (c) in its entirety

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Evans, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Warburton, Williams, Wilmer.

Total 37

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees,

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2011

Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.
Total 62

Excused: Connell.
Total 1

Absent or not voting: None.
Total 0

HB 80 - Representative Arntzen moved **HB 80** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 84

Nays: G. Bennett, Blasdel, Edmunds, Harris, Kennedy, Kerns, Knox, MacDonald, McGillvray, Miller, More, Noonan, Osmundson, Skattum, Skees, Wagner.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 110 - Representative Welborn moved **HB 110** do pass.

HB 110 - Representative Esp moved **HB 110**, second reading copy, be amended as follows:

1. Title, page 1, line 11 through line 12.

Strike: "CLARIFYING" on line 11 through "REVOKED;" on line 12

2. Title, page 1, line 13.

Strike: "39-71-418,"

3. Page 8, line 29 through page 9, line 18.

Strike: section 2 in its entirety

Renumber: subsequent sections

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2011

Amendment **not** adopted as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Esp, Evans, Flynn, Greef, Hale, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, O'Neil, Osmundson, Randall, Read, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 45

Nays: Ankney, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 53

Excused: Connell.

Total 1

Absent or not voting: More.

Total 1

HB 110 - Representative More expressed a conflict of interest and abstained from voting.

HB 110 - Representative Welborn moved **HB 110** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 76

Nays: G. Bennett, Blasdel, Blyton, Burnett, Cuffe, Edmunds, Esp, Hansen, Howard, Kary, Kennedy, Kerns, Knox, McGillvray, O'Neil, Osmundson, Skattum, Skees, C. Smith, Vance, Wagner, Yates.

Total 22

Excused: None.

Total 0

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2011

Absent or not voting: Mehlhoff, More.

Total 2

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Rosendale moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: B. Bennett, Boland, Sands.

Total 3

Excused: Connell.

Total 1

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 95 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2011

Total 82

Nays: Burnett, Edmunds, Hale, Howard, Kennedy, Kerns, Knox, McGillvray, Miller, More, O'Neil, Osmundson, Randall, Salomon, Skattum, Skees, Warburton.

Total 17

Excused: Connell.

Total 1

Absent or not voting: None.

Total 0

HB 106 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Belcourt, Hale, Klock.

Total 3

Excused: Connell.

Total 1

Absent or not voting: None.

Total 0

HB 144 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 72

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams.

Total 27

Excused: Connell.

Total 1

Absent or not voting: None.

Total 0

HB 176 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: G. Bennett, Burnett, Hansen, Kerns, More, Roberts.

Total 6

Excused: Connell.

Total 1

Absent or not voting: None.

Total 0

HB 236 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacLaren, McChesney, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skees, Small, F. Smith, Stahl, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 72

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2011

Nays: B. Beck, B. Bennett, G. Bennett, Court, Esp, Hale, Hands, Hill, Kennedy, Kerns, Knox, MacDonald, Malek, McClafferty, McGillvray, Miller, More, Pease-Lopez, Randall, Reinhart, Sands, Skattum, C. Smith, Squires, Swanson, Wagner, Warburton.

Total 27

Excused: Connell.

Total 1

Absent or not voting: None.

Total 0

HB 270 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

Nays: Edmunds, Esp, Hale, Hansen, Kary, Kennedy, Kerns, More, Peterson, Read, Roberts, Wagner.

Total 12

Excused: Connell.

Total 1

Absent or not voting: None.

Total 0

HJR 4 adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 75

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2011

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams.

Total 24

Excused: Connell.

Total 1

Absent or not voting: None.

Total 0

HB 258 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Connell.

Total 1

Absent or not voting: None.

Total 0

HB 268 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton,

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2011

Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Connell.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Representative Cuffe moved to change his vote on **HB 95** from no to yes. Without objection, so ordered. The original vote was taken on Legislative Day Twenty-Three.

Representative Kennedy moved to change his vote on **HB 125** from yes to no. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Speaker Milburn reminded the House of Representatives that on Thursday, February 3, 2011, they would hear the State of the Tribal Nations address.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Tuesday, February 1, 2011. Motion carried.

House adjourned at 2:46 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
TWENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
February 1, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Pease-Lopez. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman):

2/1/2011

Correctly printed: **HB 152, HB 216, HB 252, HB 302.**

Correctly engrossed: **HB 99, HB 180, HB 254.**

The members of the Legislative Fiscal Division were introduced.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Ingraham, Chairman):

1/27/2011

HB 99, introduced bill, be amended as follows:

1. Page 9, line 6 through line 10.

Strike: subsection (4) in its entirety

Renumber: subsequent subsection

2. Page 9.

Following: line 13

Insert: "(5) 'Signature envelope' means an envelope that contains a secrecy envelope and ballot and that is designed to:

(a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

(b) allow it to be used in the United States mail."

3. Page 9, line 22.

Strike: "return"

Insert: "signature"

4. Page 9, line 28.

Strike: "return"

Insert: "signature"

5. Page 10, line 2.

Strike: "return"

Insert: "signature"

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

6. Page 10, line 4.

Strike: "return"

Insert: "signature"

7. Page 11, line 7.

Strike: "return"

Insert: "signature"

8. Page 12, line 9.

Strike: "return"

Insert: "signature"

9. Page 12, line 10.

Strike: "return"

Insert: "signature"

10. Page 12, line 11.

Strike: "return"

Insert: "signature"

11. Page 13, line 23.

Strike: "return"

Insert: "signature"

12. Page 14, line 11.

Strike: "return"

Insert: "signature"

And, as amended, do pass. Report adopted.

HB 152, do pass. Report adopted.

HB 180, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "REGISTRATION;"

Insert: "AND"

2. Title, page 1, line 5

Strike: "13-2-115," on line 5

3. Title, page 1, line 5 through line 6.

Following: "13-2-301" on line 5

Strike: ", 13-2-514" on line 5 through "MCA;" on line 6

4. Title, page 1, line 6.

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

Strike: "REPEALING SECTION"

5. Page 1.

Following: line 8

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 13-2-301, MCA, is amended to read:

"13-2-301. Close of regular registration -- notice -- changes. (1) The election administrator shall:

(a) close regular registrations for 30 days before any election; and

(b) publish a notice specifying the day regular registrations will close and the availability of the late registration option provided for in 13-2-304 in a newspaper of general circulation in the county at least three times in the 4 weeks preceding the close of registration or broadcast a notice on radio or television as provided in 2-3-105 through 2-3-107, using the method the election administrator believes is best suited to reach the largest number of potential electors. The provisions of this subsection (1)(b) are fulfilled upon the third publication or broadcast of the notice.

(2) Information to be included in the notice must be prescribed by the secretary of state.

(3) An application for voter registration properly executed and postmarked on or before the day regular registration is closed must be accepted as a regular registration for 3 days after regular registration is closed under subsection (1)(a).

(4) An individual who submits a completed registration form to the election administrator before the deadlines provided in this section is allowed to correct a mistake on the completed registration form until 5 p.m. on the 10th day following the close of regular registration, and the qualified elector is then eligible to vote in the election.

(5) An elector who misses the deadlines provided for in this section may register to vote or change the elector's voter information and vote in the election, ~~except as otherwise~~ only as provided in 13-2-304."

Insert: "**Section 2.** Section 13-2-304, MCA, is amended to read:

"13-2-304. Late registration -- late changes -- nonapplicability for school elections.

(1) Except as provided in subsections (2) and (3), the following provisions apply:

(a) An elector may register or change the elector's voter registration information after the close of regular registration in 13-2-301 and vote in the election if the election administrator in the county where the elector resides receives and verifies the elector's voter registration information prior to ~~the close of the polls on election day.~~

~~_____~~ (b) ~~Late registration is closed from noon to 5 p.m. on the day Friday~~ before the election.

(c) Except as provided in 13-2-514(2)(a), an elector who registers or changes the elector's voter information pursuant to this section may vote in the election only if the elector obtains the ballot from and returns it to the location designated by the county election administrator.

(2) If an elector has already been sent an absentee ballot for the election, the elector may change the elector's voter registration information only with respect to the next election.

(3) The provisions of subsection (1) do not apply with respect to an elector's registration to vote in a school election held pursuant to Title 20."

And, as amended, do pass. Report adopted.

TRANSPORTATION (Vance, Chairman):

1/31/2011

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

HB 216, do pass. Report adopted.

HB 252, do pass. Report adopted.

HB 254, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: the second "AND"

2. Title, page 1, line 6.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1

Following: line 16

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 302, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/31/2011

SB 9, introduced by Keane

SB 92, introduced by Jent

SB 136, introduced by Balyeat

SB 142, introduced by De. Barrett

MESSAGES FROM THE GOVERNOR

February 1, 2011

The Honorable Mike Milburn, Speaker of the House
The Honorable Jim Peterson, President of the Senate
State Capitol
Helena, MT 59601

Dear Speaker Milburn and President Peterson:

In accordance with the rules of your respective chambers, please consider this letter a Message from the Governor regarding House Bill No.1 ("HB 1"), otherwise known as the "feed bill."

Yesterday, I signed HB 1 into law. HB 1 appropriates money from the general fund for the operation of the current Legislature, to which I have no objection. However, HB 1 also appropriates money

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

for ongoing legislative expenses over the next biennium, including funding initial costs for the next Legislature.

Because we are here to put the people first, not ourselves, I considered an amendatory veto and also considered letting the bill become law without my signature. However, either option would have delayed passage of the feed bill, and I have been informed that the Legislature has "run up against the clock" and is without money to pay its staff should HB 1 not go into law before tomorrow. In order that legislative staff could be paid and the Legislature not come to a grinding halt tomorrow, I decided not to pursue an amendatory veto or "pocket signing" of the bill. However, I wanted you to know of my objections.

I find it ironic that the Legislature has used the feed bill to fund itself in the 2013 biennium, while simultaneously cutting critical services for Montanans. Today, the State of Montana has \$376 million in the bank. Yet in the last few days, the Joint Subcommittees voted to eliminate or reduce critical programs for Montana citizens. HB 1 --the first bill and the first appropriations bill to be delivered to me for signature -has put the Legislature ahead of the people of Montana for the next biennium.

As you know, the budget I presented to you is balanced. It not only puts jobs and people first, it sets aside \$238 million for an ending fund balance. HB 1 is the first bill to spend the revenues anticipated to be available for the 2013 biennium. I take it as a sign from the 2011 Legislature that when it decided to fund itself first, it did so as a sign that revenues are increasing and jobs and important services for Montanans will not be left behind.

BRIAN SCHWEITZER
GOVERNOR
cc: Legislative Services Division

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 386, introduced by Stahl, referred to State Administration.
HB 387, introduced by Flynn, referred to Fish, Wildlife and Parks.
HB 388, introduced by Cook, referred to Appropriations.
HB 389, introduced by Noonan, referred to Human Services.
HB 390, introduced by MacDonald, Roberts, referred to Agriculture.
HB 391, introduced by Berry, referred to Local Government.

The following Senate bills were introduced, read first time, and referred to committees:

SB 4, introduced by Lewis, referred to Judiciary.
SB 12, introduced by Erickson (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
SB 16, introduced by Brown, referred to Business and Labor.
SB 19, introduced by Shockley, referred to Judiciary.

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

SB 21, introduced by Shockley, referred to Judiciary.
SB 23, introduced by Blewett, referred to Business and Labor.
SB 26, introduced by Blewett, referred to Judiciary.
SB 27, introduced by Kaufmann, referred to Business and Labor.
SB 30, introduced by Wanzenried (by request of the Department of Environmental Quality), referred to Natural Resources.
SB 31, introduced by Wanzenried (by request of the Code Commissioner), referred to State Administration.
SB 32, introduced by Wanzenried (by request of the Legislative Council), referred to Business and Labor.
SB 36, introduced by Hamlett (by request of the Water Policy Committee), referred to Judiciary.
SB 41, introduced by Shockley (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 49, introduced by Branae, referred to Transportation.
SB 59, introduced by Moss (by request of the Capitol Complex Advisory Council), referred to State Administration.
SB 60, introduced by Gillan (by request of the Department of Justice), referred to Judiciary.
SB 63, introduced by Steinbeisser (by request of the Secretary of State), referred to Business and Labor.
SB 64, introduced by Steinbeisser (by request of the Department of Administration), referred to Business and Labor.
SB 67, introduced by Shockley (by request of the Supreme Court), referred to Judiciary.
SB 68, introduced by Jent (by request of the Department of Justice), referred to Judiciary.
SB 72, introduced by Gillan (by request of the Department of Corrections), referred to Judiciary.
SB 73, introduced by Murphy (by request of the Department of Public Health and Human Services), referred to Human Services.
SB 78, introduced by Ripley (by request of the State Auditor), referred to Business and Labor.
SB 87, introduced by Steinbeisser, referred to Natural Resources.
SB 95, introduced by Shockley, referred to Local Government.
SB 112, introduced by Hinkle, Jones, C. Smith, Stahl, Steinbeisser, Wagner, Warburton, Sonju, Osmundson, Shockley, referred to Fish, Wildlife and Parks.
SB 124, introduced by Ripley, Brenden, Jent, Menahan, referred to Fish, Wildlife and Parks.
SB 152, introduced by Brown, Shockley, referred to Judiciary.

Rep. Sesso announced that Legislative Council would be hosting all legislators this evening. Also, on Wednesday, February 2, 2011 a speech about National Security and our Energy Future would be given in the Old Supreme Court Chamber.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Reinhart in the chair.

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 53 - Representative Klock moved **HB 53** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 81

Nays: G. Bennett, Hendrick, Howard, Kary, Kennedy, Kerns, Knox, McGillvray, Miller, More, O'Neil, Read, Skattum, C. Smith, Stahl, Taylor, Vance, Warburton.

Total 18

Excused: None.

Total 0

Absent or not voting: Belcourt.

Total 1

HB 66 - Representative Swanson moved **HB 66** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: B. Beck, Cook, Howard, McGillvray, More, Washburn.

Total 6

Excused: None.

Total 0

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

Absent or not voting: None.

Total 0

HB 142 - Representative Sands moved **HB 142** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Hands.

Total 1

HB 19 - Representative Sands moved **HB 19** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: B. Beck, Miller.

Total 2

Excused: None.

Total 0

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

Absent or not voting: Schmidt, Welborn.

Total 2

HJR 5 - Representative Regier moved **HJR 5** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Burnett, Edmunds, Hansen, Kerns, Knox, Randall, Vance.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 154 - Representative Knox moved **HB 154** do pass.

HB 154 - Representative McNiven moved **HB 154**, second reading copy, be amended as follows:

1. Page 1, line 18.

Following: "election;"

Strike: "and"

2. Page 1, line 21.

Insert: "(c) has received a baccalaureate degree in any discipline from an accredited college or university; and."

Renumber: subsequent subsection

Amendment **not** adopted as follows:

Yeas: Ankney, Arntzen, Brodehl, Connell, Cook, Evans, Fitzpatrick, Gibson, Hendrick, Hoven, Ingraham, Knudsen, MacLaren, McNiven, O'Hara, Reichner, Salomon, Taylor, Welborn, Mr. Speaker.

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

Total 20

Nays: Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Flynn, Furey, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates.

Total 80

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 154 - Representative Knox moved **HB 154** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 60

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 24 - Representative McChesney moved **HB 24** do pass.

HB 24 - Representative Ankney moved for cloture. Motion carried as follows:

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: Arntzen, Cuffe, Hale, Hansen, Hendrick, Kary, Knudsen, McNutt, Miller, More, Peterson, Randall, Salomon, Taylor, Wagner, Warburton.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 24 - Representative McChesney moved **HB 24** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 71

Nays: B. Beck, G. Bennett, Blasdel, Clark, Cuffe, Edmunds, Flynn, Hale, Hansen, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McNiven, More, Read, Regier, Salomon, Skattum, Skees, Taylor, Vance, Wagner, Warburton.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Reinhart moved the Committee of the Whole report be adopted. Report adopted as follows:

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

Nays: Boland, Court, McClafferty, Mehlhoff, More, Noonan, Price.
Total 7

Excused: None.
Total 0

Absent or not voting: Harris.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 20 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 90

Nays: Clark, Cuffe, Driscoll, Esp, Hale, Kerns, Miller, Small, Warburton, Welborn.
Total 10

Excused: None.
Total 0

Absent or not voting: None.

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

Total 0

HB 80 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

Nays: G. Bennett, Edmunds, Esp, Kennedy, Kerns, Knox, McGillvray, Miller, More, Osmundson, Skattum, Skees, C. Smith.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 110 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 76

Nays: G. Bennett, Blyton, Burnett, Cuffe, Edmunds, Esp, Hale, Hansen, Howard, Kary, Kennedy, Kerns, Knox, McGillvray, More, O'Neil, Osmundson, Read, Skattum, Skees, C. Smith, Vance, Wagner, Yates.

Total 24

Excused: None.

Total 0

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

Absent or not voting: None.

Total 0

HB 118 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

Nays: G. Bennett, Blasdel, Blyton, Hale, Hendrick, Kary, Kerns, Knox, Randall, Read, Skattum, C. Smith, Wagner.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 125 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: G. Bennett, Blyton, Burnett, Edmunds, Esp, Flynn, Kennedy, Kerns, Knox, More, Randall, Skattum, Skees, C. Smith, Vance, Wagner.

Total 16

Excused: None.

Total 0

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

Absent or not voting: None.

Total 0

HB 249 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Washburn, Welborn, Mr. Speaker.

Total 58

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Connell, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Knudsen, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Randall, Reichner, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Warburton, Williams, Wilmer, Yates.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 64 passed as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 67

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 33

Excused: None.

Total 0

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

Absent or not voting: None.

Total 0

HB 131 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 156 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Read, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 76

Nays: Arntzen, B. Beck, Berry, Blasdel, Blyton, Burnett, Cuffe, Edmunds, Esp, Flynn, Hansen, Kerns, Lavin, McNiven, More, Osmundson, Peterson, Randall, Regier, Reichner, Skattum, C. Smith, Vance, Wagner.

Total 24

Excused: None.

Total 0

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

Absent or not voting: None.

Total 0

MOTIONS

Rep. Barrett moved that **HB 220** be taken from Transportation and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 48

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Reinhart moved to change her vote on **HB 154** from yes to no. Without objection, so ordered.

Representative C. Smith moved **HB 184** be rereferred back to the Human Services committee. Rep. Hunter objected.

Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY - FEBRUARY 1, 2011

Total 64

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Reichner moved **HB 275** be moved from the Judiciary committee to the Business and Labor committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Wednesday, February 2, 2011. Motion carried.

House adjourned at 2:54 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
TWENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
February 2, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Wilmer. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman):

2/2/2011

Correctly printed: **HB 35, HB 211, HB 212, HB 272, HB 273, HB 292.**

Correctly engrossed: **HB 30, HB 43, HB 123, HB 153, HB 183, HB 185, HB 209, HB 261, HB 294.**

The Carroll College Fighting Saints Football Team was escorted into the chamber by Representatives Gibson, Bangerter, Noonan and Hiner.

Rep. Reinhart read the following proclamation:

***A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA
HONORING THE 2010 NAIA NATIONAL FOOTBALL CHAMPIONS
CARROLL COLLEGE FIGHTING SAINTS***

February 2, 2011

WHEREAS, the Carroll College Fighting Saints have achieved a history-making six NAIA National Football Championships; and

WHEREAS, Head Football Coach Mike Van Diest was recently named the American Football Coaches Association National Coach of the Year, an honor he also received in 2003 and 2007; and

WHEREAS, Fighting Saints football scholar-athletes have won prestigious awards, including senior Andy Fjeseth being recently selected as the 2010 Rimington Award winner, making him the Most Outstanding Center nationwide in the Saints' football sub-division; senior linebacker Thomas Dolan being named to the 2010 American Football Coaches Association NAIA All-America team; and quarterback Gary Wagner listed as one of two co-offensive Frontier Conference offensive players of the year; and

WHEREAS, Carroll's athletic teams in football, volleyball, soccer, golf, men's and women's basketball, cross country and track and field consistently post record numbers of regionally and nationally recognized scholar athletes for their outstanding academic achievements and high grade point averages; and

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

WHEREAS, Carroll College is in year one of its second century, having concluded its centennial celebration last spring in honor of its 1909 founding and 100 years of learning, serving, and leading.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND SENATE OF THE STATE OF MONTANA that the congratulations of all Montanans go out to the players and coaches of the 2010 NAIA National Football Champion, Carroll College Fighting Saints; and that February 2, 2011, be declared Fighting Saints Day in Montana.

Coach Mike Van Diest addressed the House of Representatives.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman):

2/1/2011

HB 273, do pass. Report adopted.

HB 294, introduced bill, be amended as follows:

1. Page 1, line 24.

Following: "(4)" "or (5)"

2. Page 2, line 6 through line 10.

Strike: subsection (5) in its entirety

3. Page 2, line 11.

Strike: "(6)"

Insert: "(5)"

And, as amended, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman):

2/1/2011

HB 209, introduced bill, be amended as follows:

1. Title, page 1, line 10 through line 11.

Strike: "A" on line 10

Strike: "DATE" on line 11

Insert: "DATES"

2. Page 6, line 10.

Following: "Termination."

Insert: "(1)"

Following: line 10

Insert: "(2) [Sections 3 and 4] terminate June 30, 2015."

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

HB 261, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "LICENSE;"

Insert: "ESTABLISHING TERMS OF USE; PROVIDING FOR DISPOSITION OF REVENUE;
AMENDING SECTIONS 87-1-246 AND 87-1-270, MCA;"

Strike: "A DELAYED"

Insert: "AN IMMEDIATE"

2. Page 1, line 9.

Following: "license."

Insert: "(1)"

3. Page 1, line 10.

Following: "chapter"

Insert: "and subject to the provisions of subsection (2)"

4. Page 1.

Following: line 14

Insert: "(2) A Class B-2 license may not be used to hunt or take:

(a) ring-necked pheasants during the opening week of that season; or

(b) sage grouse at any time."

Insert: "**Section 2.** Section 87-1-246, MCA, is amended to read:

"87-1-246. Funding of upland game bird enhancement program. The amount of money specified in this section from the sale of each hunting license listed must be used exclusively by the department to preserve and enhance upland game bird populations in Montana in accordance with 87-1-246 through 87-1-249, subject to appropriation by the legislature:

(1) Class A-1, resident upland game bird, \$2;

(2) Class B-1, nonresident upland game bird, \$23;

(3) Class B-2, 3-day nonresident upland game bird license, \$10;

~~(3)~~(4) Class AAA, combination sports, \$2; and

~~(4)~~(5) Class B-10, nonresident big game combination, \$23.""

Insert: "**Section 3.** Section 87-1-270, MCA, is amended to read:

"87-1-270. Allocation of license fees to hunting access enhancement program. (1)

Except as provided in 87-2-805(1)(b)(ii), the amount of \$55 from the sale of each Class B-1 nonresident upland game bird license and \$25 from the sale of each Class B-2 3-day nonresident upland game bird license must be used by the department to encourage public access to private lands for hunting purposes in accordance with 87-1-265 through 87-1-267.

(2) The resident hunting access enhancement fee in 87-2-202(3)(c) and the nonresident hunting access enhancement fee in 87-2-202(3)(d) must be used by the department to encourage public access to private and public lands for hunting purposes in accordance with 87-1-265 through 87-1-267.""

Renumber: subsequent sections

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

5. Page 1, line 19.

Strike: "March 1, 2012"

Insert: "on passage and approval"

And, as amended, do pass. Report adopted.

HB 272, do pass. Report adopted.

HUMAN SERVICES (Howard, Chairman):

1/31/2011

HB 30, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "33-22-101"

Insert: "33-1-102"

2. Page 1, line 10.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Health care sharing ministry -- definition -- requirements. (1) "Health care sharing ministry" means a faith-based, nonprofit organization that:

- (a) is tax-exempt under the Internal Revenue Code;
 - (b) limits its participants to those who are of a similar faith;
 - (c) acts as a facilitator among participants who have financial or medical needs and matches those participants with other participants who have the ability to assist those with financial or medical needs in accordance with criteria established by the health care sharing ministry;
 - (d) provides for the financial or medical needs of a participant through contributions from one participant to another; and
 - (e) provides monetary amounts that participants may contribute with no assumption of risk or promise to pay among the participants and no assumption of risk or promise to pay by the health care sharing ministry to the participants.
- (2) A health care sharing ministry shall:
- (a) provide a written monthly statement to all participants that lists the total dollar amount of qualified needs submitted to the health care sharing ministry, as well as the amount actually published or assigned to participants for their contribution; and
 - (b) conduct an annual audit that is performed by an independent certified public accounting firm in accordance with generally accepted accounting principles and that is made available to the public upon request.
- (3) (a) A health care sharing ministry shall provide the written disclaimer provided for in subsection (3)(b) on all applications or distribute the disclaimer with any guideline materials distributed by or on behalf of the ministry.
- (b) The written disclaimer must read as follows: "Notice: The organization facilitating the sharing of medical expenses is not an insurance company and its guidelines and plan of operation are not an insurance policy. Participation in the organization or a subscription to any of its documents should never be considered to be insurance. Whether anyone chooses to

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

assist you with your medical bills will be totally voluntary because no other participant will be compelled by law to contribute toward your medical bills. Regardless of whether you receive any payment for medical expenses or whether this organization continues to operate, you are always personally responsible for the payment of your own medical bills.""

Insert: "Section 2. Section 33-1-102, MCA, is amended to read:

"33-1-102. Compliance required -- exceptions -- health service corporations -- health maintenance organizations -- governmental insurance programs -- service contracts. (1) A person may not transact a business of insurance in Montana or a business relative to a subject resident, located, or to be performed in Montana without complying with the applicable provisions of this code.

(2) The provisions of this code do not apply with respect to:

(a) domestic farm mutual insurers as identified in chapter 4, except as stated in chapter 4;

(b) domestic benevolent associations as identified in chapter 6, except as stated in chapter 6; ~~and~~

(c) fraternal benefit societies, except as stated in chapter 7; and

(d) health care sharing ministries as provided for in [section 1].

(3) This code applies to health service corporations as prescribed in 33-30-102. The existence of the corporations is governed by Title 35, chapter 2, and related sections of the Montana Code Annotated.

(4) This code does not apply to health maintenance organizations or to managed care community networks, as defined in 53-6-702, to the extent that the existence and operations of those organizations are governed by chapter 31 or to the extent that the existence and operations of those networks are governed by Title 53, chapter 6, part 7. The department of public health and human services is responsible to protect the interests of consumers by providing complaint, appeal, and grievance procedures relating to managed care community networks and health maintenance organizations under contract to provide services under Title 53, chapter 6.

(5) This code does not apply to workers' compensation insurance programs provided for in Title 39, chapter 71, parts 21 and 23, and related sections.

(6) The department of public health and human services may limit the amount, scope, and duration of services for programs established under Title 53 that are provided under contract by entities subject to this title. The department of public health and human services may establish more restrictive eligibility requirements and fewer services than may be required by this title.

(7) Except as otherwise provided in Title 33, chapter 22, this code does not apply to the state employee group insurance program established in Title 2, chapter 18, part 8.

(8) This code does not apply to insurance funded through the state self-insurance reserve fund provided for in 2-9-202.

(9) (a) Except as otherwise provided in Title 33, chapter 22, this code does not apply to any arrangement, plan, or interlocal agreement between political subdivisions of this state in which the political subdivisions undertake to separately or jointly indemnify one another by way of a pooling, joint retention, deductible, or self-insurance plan.

(b) Except as otherwise provided in Title 33, chapter 22, this code does not apply to any arrangement, plan, or interlocal agreement between political subdivisions of this state or any

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

arrangement, plan, or program of a single political subdivision of this state in which the political subdivision provides to its officers, elected officials, or employees disability insurance or life insurance through a self-funded program.

(10) (a) This code does not apply to the marketing of, sale of, offering for sale of, issuance of, making of, proposal to make, and administration of a service contract.

(b) A "service contract" means a contract or agreement for a separately stated consideration for a specific duration to perform the repair, replacement, or maintenance of property or to indemnify for the repair, replacement, or maintenance of property if an operational or structural failure is due to a defect in materials or manufacturing or to normal wear and tear, with or without an additional provision for incidental payment or indemnity under limited circumstances, including but not limited to towing, rental, and emergency road service. A service contract may provide for the repair, replacement, or maintenance of property for damage resulting from power surges or accidental damage from handling. A service contract does not include motor club service as defined in 61-12-301.

(11) (a) Subject to 33-18-201 and 33-18-242, this code does not apply to insurance for ambulance services sold by a county, city, or town or to insurance sold by a third party if the county, city, or town is liable for the financial risk under the contract with the third party as provided in 7-34-103.

(b) If the financial risk for ambulance service insurance is with an entity other than the county, city, or town, the entity is subject to the provisions of this code.""

Insert: "NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 33, and the provisions of Title 33 apply to [section 1]."

And, as amended, do pass. Report adopted.

HB 35, do pass. Report adopted.

HB 43, introduced bill, be amended as follows:

1. Page 2, line 8.

Following: "elected official"

Insert: "who serves on the governing body of a local government"

2. Page 5, line 6.

Following: "5"

Insert: "and subsection (4)(c) of this section"

3. Page 5, line 7.

Insert: "(c) An insurer is not liable for an injury or occupational disease if the employee's medical use of marijuana, as defined in 50-46-102, is the major contributing cause of the injury or occupational disease.

(d) An insurer is not liable for payment of costs related to an employee's medical use of marijuana or the consequences of the employee's medical use of marijuana as a benefit payable under this chapter."

4. Page 6, line 18.

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

Following: "injury"

Insert: ", subject to the limitations in 39-71-407 and 39-71-704"

5. Page 8, line 12.

Strike: "health insurer"

Insert: " group benefit plan"

6. Page 8, line 13.

Following: "chapter 18,"

Strike: "or"

Insert: "an insurer covered by"

7. Page 8, line 15 through line 19.

Following: "~~workplace~~"

Strike: "in the course" on line 15 through "marijuana" on line 19

Insert: "the medical use of marijuana"

8. Page 8, line 24 through line 27.

Following: "49-1-102" on line 24

Strike: "based on" on line 24 through "employment" on line 27

And, as amended, do pass. Report adopted.

HB 153, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: "paid"

Insert: "on behalf of the employee"

Following: "ministry"

Insert: "for the payment of required fees for operational costs of the health care sharing ministry"

2. Page 1, line 19.

Strike: "made on behalf of an employee"

3. Page 1, line 20.

Strike: "members"

Insert: "the member"

4. Page 1, line 21.

Following: "paid"

Insert: "on behalf of an employee"

Following: "or"

Insert: "to"

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

5. Page 1, line 22.

Strike: "on behalf of an employee"

6. Page 9, line 7.

Following: "paid"

Insert: "on behalf of an employee"

Following: the first "ministry"

Insert: "for the payment of required fees for operational costs of the health care sharing ministry"

Following: "or"

Insert: "to"

Following: the second "ministry"

Insert: "for the payment of medical expenses of the member"

7. Page 9, line 8.

Strike: "on behalf of an employee"

8. Page 9, line 10.

Following: "ministry"

Insert: "for the payment of medical expenses of the person or the person's dependents"

9. Page 15, line 16.

Following: the first "ministry"

Insert: "for required fees for operational costs of the health care sharing ministry"

Following: the second "ministry"

Insert: "for the payment of the medical expenses of the member"

10. Page 17, line 15.

Following: "paid"

Insert: "on behalf of an employee located in Montana"

Following: "15-30-2101,"

Insert: "for the payment of required fees for operational costs of the health care sharing ministry"

11. Page 17, line 16.

Strike: "on" through "Montana"

Insert: "for the payment of medical expenses of the member"

12. Page 17, line 17.

Strike: "any"

Insert: "a"

And, as amended, do pass. Report adopted.

HB 183, introduced bill, be amended as follows:

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

1. Page 4, line 29 through line 30.

Following: "means"

Strike: "an individual"

Insert: "a Montana resident"

Following: "taxpayer"

Strike: "directly"

Following: "or"

Strike: "whose compensation is"

Insert: "a Montana resident who is an independent contractor and who provides services to the taxpayer, the remuneration for which the taxpayer"

2. Page 5, line 10.

Following: "section."

Insert: "This section does not prevent an employer from claiming an exclusion, deduction, or credit for qualified health insurance expenses that exceed the amount for which the credit is allowed under this section."

3. Page 5.

Following: line 16

Insert: "(8) 'Montana resident', for the purpose of determining eligibility for the tax credit provided in this section, means a resident as defined in 15-30-2101."

Renumber: subsequent subsections

4. Page 10, line 22.

Strike: "the deduction has not been included in"

Insert: "premiums were not deducted in calculating"

And, as amended, do pass. Report adopted.

HB 185, introduced bill, be amended as follows:

1. Title, line 5.

Following: "DRUGS;"

Insert: "REQUIRING RULEMAKING BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES;"

2. Page 16, line 7.

Following: "(5)"

Insert: "(a)"

3. Page 16

Following: line 8

Insert: "(b) Subsection (4)(gg) does not apply to synthetic cannabinoids approved by the U.S. food and drug administration and obtained by a lawful prescription through a licensed

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

pharmacy. The department of public health and human services shall adopt a rule listing the approved cannabinoids and shall update the rule as necessary to keep the list current."

And, as amended, do pass. Report adopted.

JUDICIARY (Peterson, Chairman): 2/1/2011
HB 292, do pass. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman): 2/1/2011
HB 123, introduced bill, be amended as follows:

1. Page 2, line 9.

Following: "October."

Insert: "Notwithstanding the provisions of 15-10-321, if a county clerk and recorder fails to timely notify the department of the number of mills needed to be levied for each taxing jurisdiction in that county in accordance with subsection (1)(a), the department must have additional time to meet the notification requirement of this subsection (2) equal to the number of days that the notification required in subsection (1)(a) was received late by the department."

2. Page 5, line 18.

Following: "the"

Insert: "later of the"

Following: "September"

Insert: "or within 30 calendar days after receiving certified taxable values"

3. Page 6, line 16.

Following: "August"

Strike: "15"

Insert: "20"

4. Page 6, line 21.

Strike: "15"

Insert: "25"

5. Page 8, line 17.

Following: "the"

Insert: "later of the"

Following: "September"

Insert: "or within 30 calendar days after receiving certified taxable values"

6. Page 8, line 26.

Following: "the"

Insert: "later of the"

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

Following: "September"

Insert: "or within 30 calendar days after receiving certified taxable values"

7. Page 9, line 15.

Following: "the"

Insert: "later of the"

Following: "September"

Insert: "or within 30 calendar days after receiving certified taxable values"

8. Page 12, line 4.

Following: "the"

Insert: "later of the"

Following: "September"

Insert: "or within 30 calendar days after receiving certified taxable values"

9. Page 14, line 22.

Following: "the"

Insert: "later of the"

10. Page 14, line 23.

Following: "September"

Insert: "or within 30 calendar days after receiving certified taxable values"

11. Page 15, line 16.

Following: "instruction"

Strike: "not later than"

Insert: "on or before"

12. Page 15, line 23.

Following: "the"

Insert: "later of the"

13. Page 15, line 24.

Following: "September"

Insert: "or within 30 calendar days after receiving certified taxable values"

14. Page 16, line 23.

Following: "the"

Insert: "later of the"

Following: "September"

Insert: "or within 30 calendar days after receiving certified taxable values"

15. Page 17, line 16.

Following: "the"

Insert: "later of the"

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

Following: "September "

Insert: "or within 30 calendar days after receiving certified taxable values"

16. Page 21, lines 9 and 10.

Following: "the" on line 9

Insert: "later of the"

Following: "September" on line 10

Insert: "or within 30 calendar days after receiving certified taxable values"

17. Page 22, line 18.

Following: "the"

Insert: "later of the"

Following: "September"

Insert: "or within 30 calendar days after receiving certified taxable values"

18. Page 23, line 11.

Following: "the"

Insert: "later of the"

Following: "September"

Insert: "or within 30 calendar days after receiving certified taxable values"

19. Page 23, line 27.

Following: "the"

Insert: "later of the"

Following: "September"

Insert: "or within 30 calendar days after receiving certified taxable values"

And, as amended, do pass. Report adopted.

HB 211, do pass. Report adopted.

HB 212, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/1/2011

SB 105, introduced by Priest

SB 126, introduced by Larsen

SB 135, introduced by Balyeat

SB 140, introduced by Erickson

SB 160, introduced by Vincent

SB 166, introduced by Balyeat

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 392, introduced by Knox, Howard, Hinkle, Warburton, Kerns, Regier, Jackson, G. Bennett, Rosendale, Wagner, Kary, Skees, McGillvray, Randall, Osmundson, Edmunds, Kennedy, O'Neil, Miller, C. Smith, referred to Federal Relations, Energy, and Telecommunications.

HB 393, introduced by McChesney, referred to Natural Resources.

HB 394, introduced by Hill, referred to Business and Labor.

HB 395, introduced by Hill, referred to Human Services.

HB 396, introduced by Small, referred to Human Services.

HB 397, introduced by Knox, C. Smith, Skees, Kerns, Kary, Wagner, Balyeat, Blasdel, Howard, Hansen, Osmundson, Kennedy, Warburton, O'Neil, Jackson, McGillvray, Edmunds, G. Bennett, Randall, referred to Education.

HB 398, introduced by Hunter, referred to Taxation.

HB 399, introduced by Arntzen, referred to Business and Labor.

HB 400, introduced by Arntzen, referred to Local Government.

HB 401, introduced by Arntzen, referred to Transportation.

HB 402, introduced by Rosendale, Cuffe, O'Hara, Ankney, Olson, Brenden, McChesney, Tutvedt, Knox, referred to Natural Resources.

HB 403, introduced by MacLaren, referred to Local Government.

HB 404, introduced by Hansen, referred to State Administration.

HB 405, introduced by Taylor, Tutvedt, MacLaren, referred to Business and Labor.

HB 406, introduced by O'Hara, referred to Business and Labor.

HB 407, introduced by Driscoll, referred to Agriculture.

HB 408, introduced by C. Smith, Taylor, McGillvray, Skees, Stahl, Blasdel, referred to Business and Labor.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 9, introduced by Knox, Howard, Jackson, Kary, McGillvray, G. Bennett, Skees, Randall, O'Neil, Osmundson, Kennedy, Wagner, Edmunds, referred to Education.

HJR 10, introduced by Hill, referred to Business and Labor.

Rep. McChesney rose on a point of personal privilege to apologize for not going through the Chair during the previous day's floor debate.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 79 - Representative Evans moved **HB 79** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Kerns.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 216 - Representative Miller moved **HB 216** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Barrett, Court, Hunter, Ingraham, Lavin, Malek, F. Smith, Squires.

Total 8

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 252 - Representative Hoven moved **HB 252** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Burnett, Esp, O'Neil.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 302 - Representative Taylor moved **HB 302** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 37

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 196 - Representative Connell moved **HB 196** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, G. Bennett, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 59

Nays: Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Burnett, Court, Driscoll, Fitzpatrick, Flynn, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 40

Excused: None.

Total 0

Absent or not voting: Greef.

Total 1

HB 152 - Representative Washburn moved **HB 152** do pass.

HB 152 - Representative Ankney moved for cloture.

HB 152 - Representative Washburn moved **HB 152** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 62

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally,

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 37

Excused: None.
Total 0

Absent or not voting: Stahl.
Total 1

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.
Total 72

Nays: Belcourt, B. Bennett, Boland, Court, Driscoll, Hands, Hill, Hollenbaugh, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.
Total 26

Excused: None.
Total 0

Absent or not voting: Hendrick, Loney.
Total 2

MOTIONS

Rep. McGillvray moved to pass consideration on **HB 154** on Third Reading. Rep. Hollenbaugh objected.

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

Total 58

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Cuffe, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 19 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Hale, Miller.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 24 passed as follows:

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Cook, Court, Driscoll, Ehli, Esp, Evans, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 67

Nays: B. Beck, G. Bennett, Blasdel, Burnett, Connell, Cuffe, Edmunds, Fitzpatrick, Flynn, Hale, Hansen, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McNiven, More, Randall, Read, Regier, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 53 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 82

Nays: G. Bennett, Burnett, Flynn, Howard, Kary, Kennedy, Kerns, Knox, McGillvray, Miller, More, O'Neil, Read, Skattum, C. Smith, Taylor, Vance, Warburton.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 66 passed as follows:

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: Howard, McGillvray.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 142 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 5 adopted as follows:

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr.

Speaker.

Total 94

Nays: Burnett, Edmunds, Kennedy, Kerns, Knox, Vance.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Representative Welborn moved to change his vote on **HB 216** from Not Voting to Yes. Without objection, so ordered.

Representative McGillvray moved **HB 79** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 252** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 196** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 397**
Motion carried.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 397**
Motion carried.

HB 397 (Knox Chief Sponsor)

Representative Beck, Brodehl, Edmunds, Kerns, Knox, More, Osmundson, O'Neil, Rosendale,

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 292**
Motion carried.

HB 292 (Kennedy Chief Sponsor)
Representative Warburton.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HJR 9**
Motion carried.

HJR 9 (Knox Chief Sponsor)
Hinkle, Jackson, Beck, G. Bennett, Blasdel, Brodehl, Burnett, Edmunds, Kennedy, Kerns, Knox,
More, O'Neil, Osmundson, Randall, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl,
Vance, Wagner, Warburton.

Mr. Speaker, I move that the following undersigned name be **REMOVED** as sponsor to **HB 292**
Motion carried.

HB 292 (Kennedy Chief Sponsor)
Representative Belcourt.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Rep. Hollenbaugh rose on a point of personal privilege regarding a comment made during
Second Reading about the Secretary of State. He wished to state his displeasure that a charge
had been made about a state officer and had not been addressed by the chair.

Further committee meeting announcements.

Rep. Sesso rose to a point of personal privilege about the comment made during Second
Reading in regard to the Secretary of State. He expressed his wish for action to be taken about
accusations.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Thursday, February 3,
2011. Motion carried.

House adjourned at 2:50 p.m.

BETH CARGO

MIKE MILBURN

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2011

Chief Clerk of the House

Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
TWENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
February 3, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman):

2/3/2011

Correctly engrossed: **HB 165, HB 219.**

Correctly printed: **HB 143, HB 224, HB 298, HB 319.**

MOTIONS

Rep. McGillvray moved that the House resolve itself into a joint session for the purpose of receiving the State of the Tribal Nations address. Upon adjournment of the joint session, the House would reconvene at 2:00 PM on that day, February 3rd, the twenty-seventh legislative day. Motion Carried.

Sergeant-at-Arms Bean notified Speaker Milburn that the Honorable Senate of the State of Montana awaits outside the Chamber.

Speaker Milburn requested Sergeant-at-Arms Bean admit the Honorable Senate into the House.

Speaker Milburn introduced Senate President Jim Peterson and yielded the chair to him.

Senator Essmann moved that the body resolve itself into the joint session for the purpose of receiving the State of the Tribal Nations address. Motion carried.

Senator Essmann moved that the President be authorized to appoint a committee of four to notify Willie Sharp, Jr., Chairman of the Blackfeet Nation, that we are in joint session and ready to receive the State of the Tribal Nations address. President Peterson appointed Senators Brown, Windy Boy and Representatives Evans and F. Smith.

Sgt-at-Arms Clark admitted the Honorable, Willie Sharp Jr. and the Committee of Four escorted the chairman to the rostrum.

President Peterson introduced Willie Sharp Jr., Chairman of the Blackfeet Nation.

Calvin Two Teeth from the Confederated Salish-Kootenai Tribe gave the invocation.

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

Chairman Willie Sharp Jr., gave the following address:

Ho kaa hii - ho kaa hii Campcrier signal) Oki! Sa Nee Dah Ne Koo: Mii Staa ke Kyi-yo (Mountain Bear) and Holy Ground Walker, (testimonial of Indian name acquisition: I was given Mountain Bear by adopted father Mr. Bruce Wolf Childo Blood Elder and I received my baby name Holy Ground Walker from Cree Spiritual Leader John Good Runner.

I extend greetings to the people of the great state of Montana, leaders of the 62nd Legislature, members of the press and media, distinguished tribal leaders and officials of our tribal nations and to the friends of Indian country.

I want to welcome you to the original territory of the Blackfeet Confederacy. I would like to explain the composition of the Blackfoot Confederacy (Situating in Alberta Canada: Siksika-Northern Blackfoot Tribe/Band, Kainai-Blood Band, Southern Piegan-Piikuni, and USA: Amskapii Piikuni-Blackfeet). Since the time that Governor Schweitzer was elected to lead Montana as governor, Tribal Leaders from their respective reservation homelands have had the pleasure to come and render an address. This honorable opportunity provides a means to give insight and information that serves as a nexus between Tribal Nations and to the Montana Congress that highlights Indian successes and progress. It serves as a format to illustrate and plot a course that each respective Tribal Nation envisions as they move forward toward the many challenges that exist today. I am deeply honored to be here today and presenting this message to you and conveying pertinent information about Tribal Nations. I feel that this message is very significant in the fact that all of you here today are able to hear and be partakers of this historic message between Montana and Tribal Nations relations.

I am Willie A. Sharp, Jr., of the Amskapii Piikuni, in 2009; I and other heads of the respective Tribes of the Blackfoot Confederacy were confirmed as Chiefs in the historical grounds of Glacier National Park at St. Mary. More commonly I am known as the Chairman of the Blackfeet Tribe. I currently am serving my second two-year term as Chairman. I am a member of the Montana Wyoming Tribal Leaders Council and have previously served on the National Congress of American Indians as the Rocky Mountain region vice chairman under President Joe Garcia. I might add that the Indian and Eskimo Nations of America now have their own Embassy located in Washington DC promoting Indian issues and lobbying for a better life for all Indian and Eskimo people. I am proud to announce that a fellow Blackfeet leader helped to forge and establish the foundations of the National Congress of American Indians. Please acknowledge Mr. Walter "Blackie" Wetzal whose Indian name is "Flying Eagle."

Before I bring you the message of shaping the Frontiers in Indian Country, I want to acknowledge my wife of 36 years, my First lady, Mrs. Denise Bear Medicine Sharp: we have three children, Arlen, Willeena, and Billy Dee and four grandchildren. My mother is here today, Leona Fish Wolf Robe Sharp, whose grandfather was born near this valley, and her grandmother and mine lived and was buried in this very valley. Also, I would like to mention my mother-in-law, Mrs. Thelma White Grass Bear Medicine. The honor drum group here today is named Young Grey Horse. Members of this group are: my son Arlen Sharp-Leader, nephews Durand Bear Medicine, Galen Sharp, Austin Bear Medicine. A point of interest I might add, this group is a result of our youth undertaking and continuing the ways and culture of our Indian

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

people. Today they sang the "Grand Entry and Flag Songs," and are an international renowned drum group that earned them a Grammy nomination. The popularity of American Indian music earned its own separate category in the annual competition known as the Native American Music Awards or Nammy's. Please help me to honor these fine young gentlemen. I would like to recognize my fellow Blackfeet Tribal Council members and any other Tribal Council members from the other Tribal Nations who are here in support of this address please stand and be recognized. Also in attendance from the Piikuni Nation, please welcome Chief Reggie Crowshoe from Brocket, Alberta, Canada. Thank you.

Today's Tribal Leaders across Montana are the designated Leaders within their respective reservation land and are charged with the task of leading and helping to shape the course of their people's livelihood. The hopes and dreams of our people and newer generations each look upon the course that is sought and conveyed to by the efforts of our Tribal Leaders 2011, State Of Tribal Nations Address and through the support to realize the paths. Many difficult challenges arise or spring from the paths or courses along the way presenting themselves as adversaries to the goals of those Tribal Leaders. I and many other Indian people are here today as a result of the generations and generations of our ancestors who've faced a challenging world in their times. Today the course of many Tribal Leaders is one to shape and bring about results that will endure and provide for the Indian people today. It is possible for me to be here because I, too, am a direct descendent of many of my ancestors who made it possible. We, too, realize that in this complex world there exists many challenges and uncertainty that we must endure and overcome to achieve success.

Our paths as Indian Nations were forged with the ingenuity and perseverance that helped to make each Nation unique as a people; our paths were filled with pride and integrity. Our modern day survival is dependent upon many facets that confront our quest towards the achievement of new frontiers on many fronts. Our commonalities are similar, yet each Indian Nation differs in respect to their own cultures, languages, traditions and history. I can say that as Tribal Leaders we must consider our stature, sovereignty, and character respectively. We must also consider the tasks to bring each of our Nations back to a vibrancy state. The aspiration and dreams that we envision can be dependent on each of us connected and bound together to collectively shape and achieve the quest. We must look upon each other not as separate entities labeled as Republicans, Democrats, Independents, Liberals, Conservatives; or distinguished by coloration of brown, white, red, yellow, black. I say, together we can work and strive for economic sovereignty for each of our nations, we can together work to improve and enhance the quality of life for our nations, and allow for social independency among our nations. I say again, that our nations are willing and empowered to regain their ownership of the unique environments that made each of us such powerful contenders. Our regained stewardship will ensure that our lands and resources serve and provide for our next generation of children and their children, and ultimately will be part of the new frontier that our Tribal Leaders strive for.

Together no matter whom we are time marches on in the new millennia, and as Indian Nations it is evident that we will need to evoke the processes and paradigms of tribal governments, economic sovereignty, higher order learning, education opportunities, health and natural resources. We can together in a strategic fashion bear upon these areas to help assist each of

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

our quests to impact our economic, social and political challenges. We invite you, leaders of this Congress as partners. As I stand before each of you here today, our world exists in an extraordinary time. No longer are we in such a remote corner of the world. Through technology and modern means, our Montana and its citizens are in touch with the entire world at the touch of a tab or click of a mouse. Montana's Indian Nations have emerged and are in tune with the global structure and how we are impacted by this modern innovation of growth. Indian Nations have emerged as a strong and growing group of people in terms of population growth, they are considered the fastest growing segment of people and expected to continue to grow. For example, along the Hi-line area from the Rocky Mountains east to the eastern border of Montana, cities and towns are experiencing an exodus of people leaving these areas, yet not so in Indian communities. Despite the many past federal and state policies, we as Indian people have emerged as survivors against those policies meant to diminish or result in our destruction; still we are surviving and experiencing growth in our populations. I might point out in the 2009 U.S. Census Bureau it was reported that the Native American population was fixed at 62,873 which makes up for 6.45 of the state's population of minorities. Accordingly, it was also reported that 11,574 comprised of Native American decedents, which would result in 7.40/o and translate into the largest minority group in this state.

The enormous task is evident as pointed out, and as Tribal leaders, we face a broad spectrum of problematic areas to wrangle with and in the face of a growing population of people see a diminishment of funding cuts currently. Tribal Leaders in the face of these kinds of challenges and obstacles are looked upon to lead and chart the course for this generation of our fellow tribal members. I see our Tribal Leaders as the newest modern day warriors stepping forward and symbolically resembling the "north star," pointing the way to a new realm and staying fixated despite the shifts and changes along the way. The new frontier as it pertains to Indian Nations again can be realized and achieved through the collective efforts. I would like to say, "Thank you" to Governor Schweitzer for providing an opportunity and forging a relationship that strengthens Tribal-State relations through the State of Tribal Nations address. I would like to also say "Thank you" to the members of the House of Representatives and Senate.

I would like to pause and take this time to acknowledge a very distinguished group of individuals who not only are Native American, but come from all parts of Montana. These are our veterans who've taken the time out of their lives to faithfully serve in the United States Armed Forces. There are an estimated 1,500 men and women who come from the various tribes across Montana, and are involved in wars in Afghanistan and Iraq or in security duty in other parts of the world. I would like to express the deepest respect and honor upon the veterans who have served and the service men/women on active duty now. I say Thank you for protecting our homelands and freedom. I want to specifically mention that among our Blackfeet Nation in the latter part of the 1800's lived a young female who became a powerful warrior in a time when men dominated in our society. Her name was, "Piita Mah Khann," or Running Eagle. Situated on the east side of Glacier National Park in the Two Medicine valley is a unique water fall formation that formally was known as "Trick Falls." Near this location many years ago, Running Eagle would travel there too fast and pray as part of her spiritual way of life. Today, this Water Falls bears her name, "Running Eagle Falls," testimony of a brave and courageous warrior who transcended. In addition our Blackfeet population is at about 17,000 enrolled members and still growing, I might add that the highest number of service men and women

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

today come from the Blackfeet Nation serving on active duty status. Young Blackfeet tribal members serve in all branches of the US Armed Forces including the CIA. I ask at this moment if you will join me in a brief moment of silence for one of our Blackfeet members killed in recent years in the region of Shkin in eastern Afghanistan tracking and battling high level Taliban and Al Qaeda terrorists loyal to Osama Bin Laden. William F. "Chief" Carlson, 43, whose Blackfeet Indian name was "Ee-see-n-ah- MAH'-kan that means "Takes Rifle Ahead" was part of a CIA presence and faithfully performed his duties and role as part of the operation at the time his final request was to drape the Blackfeet Nation Flag over his coffin and display it yearly on Memorial day in addition to the U.S. flag. He and another officer (also killed) saved the lives of others that were in this remote region area without hesitating or regard for their own safety, but performed their duties and roles. Thank you! I have in our audience one of his relatives here, Ms. Trish Carlson Augare, my administrative assistant and sister-in-law to Senator/Councilman Shannon Augare.

I would like to bring attention and pay respect to those individuals who serve in our Law Enforcement departments all across Montana and to the local firefighters in each of our communities each of these respective professions help keep our families safe. They are a unique group of warriors who serve in their varying roles and guard and provide for our safety every day. Thank you for your dedication and for keeping all of us safe.

Tribal Leaders across Montana are similar to our elected Senators and Representatives sitting here today. We have aspirations of the tasks of running and maintaining a viable government and providing for a healthy budget to operate within. As First Nation people we envision ourselves as being able to work through the challenges of today's world with regard to poverty, high unemployment rates, and working to provide for improving our people's life expectancy and developing better educational health awareness that will improve the quality of life of our people. Establishing and maintaining good relations with government to government entities will foster and strengthen this area necessary to achieve those things that are paramount in Indian country.

In developing and strengthening the relationship in recent years we as Tribal Leaders appreciate the involvement of Indian people to work side by side on many of the issues that confront all of Montana and in Indian Country, it is evident with the essential part of state government. We saw after the elections in recent years where Ms. Denise Juneau became a vital part and function of this relationship by being elected to serve in the Office of Public Instruction Superintendent, the first Native American woman. Please help me to recognize Ms. Juneau who is Blackfeet but also part of the Three Affiliated Tribes- Mandan/HidatsalArikira of North Dakota. She is representative of the generation who have excelled through hard work and determination by achieving a sound educational understanding and returning home to work for Indian people. She is an inspiration for Indian country and is representative of what hard work and dedication will bring a person to. Another example can be seen in the Director of Indian Affairs Office and the role it plays in the relationship connection. Lesa Evers, who oversees that office, also has roots in Blackfeet country; she is also proud of her Cree side and lineage. Thank you to Lesa for all your hard work and to maintain a constant communication network that serves and keeps Montana's Tribes in the loop. Anna Whiting-Sorrell, who hails

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

from the Confederated Salish Kootenai, is in command of a very important department. The Department of Health and Human Services is vital in support of the types of services and programs that is available for Tribes and their programs. These individuals play an important facet from a government to government setting and provide for a voice that keeps in mind all groups of people across Montana. Thank you.

Tribal Leaders across Montana feel that their voices can be heard and conveyed to the respective Representatives and Senators at the State level through during this 62nd Montana Legislature. This Legislature has in its midst many fine Senators and Representatives who are Native American. Will you please stand and be recognized. Our elected officials come from all parts of Montana and within each of their respective districts diligently strive to meet and address the many citizens' concerns and issues at the State Capitol. In the most recent election held, citizens of Glacier County elected a Republican woman, Ms. Lila Evans who is Blackfeet and is evident that Native Americans do elect and send Republicans to the Legislature. On a personal note, one day my son Billy Dee arrived home from high school and said he wanted to share something with me and his mother about something on his mind. Fearful that he was into something bad or had committed an unspeakable act, so we toughened up and sat down with Billy Dee, speaking slowly he said, "Mom, Dad, I want to tell you that I'm a Republican and believe in their views. Bracing for the worst you can imagine our look when it was revealed, and his mother and I took several deep breaths and said "Okay, is that all?" He said yes, and went off for cross-country practice. His mother replied to me, "Well, it looks like he's following in the footsteps of his great-great-great grandmother Mary Grounds," who was a staunch Republican. Some of her decedents are here today including my wife.

One committee who deserves a significant amount of respect and recognition is the Senate Appropriations Committee comprised of as a bipartisan effort working together on behalf of all Montana's citizens. One part that should be noted is the Indian Equity fund that was partially restored. On another front, the Indian Country Economic Development battle is ongoing and not over yet. I urge the members of this committee to restore a very important element with the ICED funds.

I had previously mentioned our respective elected officials. One person that I'd like to mention and has worked on this committee is fellow Blackfeet Tribal Council member and State Senator, Mr. Shannon Augare. Please stand and be recognized, Shannon participated in four elections in 2010. It is an honor to serve with on the Blackfeet Tribal Government level and appreciate your efforts at the State level for all the hard work you do. Thank you.

There are many important pieces of legislation that come to mind that ultimately serve the needs of Indian Nations; HB-2 Economic Development program that will aide business owners and spurn growth, HB-49, sponsor-Betsy Hands, that allows for the sale of bonds to help settle the Blackfeet water issues, HB-79 sponsored by Lila Evans that provides for authority for Blackfeet mitigation accounts/payments, HB-279 sponsored by Frank Smith that allows for access to the Governors' emergency fund in time of disasters, LC-1990 sponsored by Caroline Pease-Lopez, for issues of equality purpose with regard to tribal property used for governmental services and exemption from taxation, as local counties, cities and other entities get to enjoy, LC-2144 sponsored by Representative Gary Branae. Passage would allow tribal governments to continue their land acquisition programs by temporarily exempting tribal fee

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

land from taxes while property moves into trust status. The federal process is lengthy and expensive. I previously had mentioned that the efforts of Betsy Hands in the revenue bonds for the settlement of the Blackfeet water compact are an ongoing process that in itself has many issues that are spurned from the topic. The upgrades and improvements will ultimately serve to better develop and enhance the water storage on the Blackfeet Reservation. Much of the work has involved bipartisan working relationships to continually move towards an agreeable solution. The water compact must be approved by the U.S. Congress and finally by a vote of the Blackfeet people. Water is a sacred element among tribes and is held in reverence as it is able to bring forth life and helps to nurture and sustain life.

The quest for success in these areas is dependent on the available resources on many fronts, locations, funding, and ability to market Tribes' product in a competitive market. The challenges existing are comprised in many different variables as Indian Nations struggle to tap into the realm of developing their own projects or opportunities. In recent years Indian Nations are mindful of the nature of the wind spirits and the power contained in the movement of our Montana winds. In a global sense more and more efforts are seen in the untapped renewable energy market that is yet to be harnessed and tamed that will in turn serve and provide for the needs of those Tribal Nations as they develop and create jobs and marketing the power to others. Federal funding is a source to assist and help Tribes by closely working to secure and develop such large variable wind projects, I encourage the State of Montana to assist and help in areas that pose a possible source to assist and help Tribes in their quests. Transmission lines should be considered among Tribes as an alternative to the large scale issues of land leasing, condemnation, and time spent in courts off the reservations. Tribes offer the available land sites for projects by way of the blocks of land that are in tribal status and can quickly be utilized without the process of land leasing problems encountered off the reservation. We are good neighbors and when sincere Tribal Leaders and their array of technicians are willing to sit and meet with potential investors, developers, and discuss the issue of an agreeable and equitable contract that hammers out the issues that each side may have. Please be advised that to realize the jurisdictional problem that companies or investors may have can be mutually agreed upon in a choice of legal resolution court system. Many Tribes are mindful of the concerns that this may pose and have developed policy changes from within their own respective governments, for example the Crow Nation implemented a version of the Model Secured Transaction Commercial Code that helps to provide protection and safeguard the private sector's interests and transactions. I might add that to help realize economic gains for our respective people, it is necessary to think outside the "circle."

A vast potential also exists with the tourism arena. Many Tribal lands are unique and or situated close to a special feature or landscape that they are able to draw from or utilize to promote and enhance their tourism industry. In the Blackfeet area we share the location with Glacier/Waterton National-International Park, most recently saw the celebration of the 100 year anniversary of Glacier. During the height near the end it is estimated that millions of visitors travel through our part of Montana in either direction; each of these visitors seek out new adventures or renew old ones by venturing back to Glacier National Park. The potential of these millions of visitors each year translates into dollars that help to vitalize and boost many businesses; that help them to grow by creation of jobs, and ability to upgrade their businesses' potential. Our Native people can tap into this market through small or large business ventures

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

that caters to the desires of the visitors; for example, the arts and crafts can be tremendous for persons having this type of business, yet the vendors market and sell items crafted from foreign countries. Our visitors need to be aware that the frontier of Montana is not a lawless and unforgiving place to visit, yet the notion that Tribal communities are a place to quickly traverse without stopping. Improved awareness and knowledge about our Montana Tribes is necessary for the Tribes to expand and grow their interests in this area. Visitors need up-to- date information about our great state and our First Nation people, through improved tourist centers, or on the internet that is accurate and complete. Let us rid the old racial stereotypes and misunderstandings that Natives hear constantly as factors people express when they do stop on or near our reservation lands.

I would like to say that our Tribal people contribute in a large way to the border towns near reservations or to the larger cities like Billings, Great Falls, Helena, Kalispell, Butte, Missoula, Cut Bank, Conrad, Glasgow, Havre, Hardin, Williston ND to name a few. There needs to be a two-way partnership in that economic money must be transmitted back into communities located on the respective reservations. In a meeting I recently had with James Parker Shields, of War Shield Development Corporation, our people's hard earned dollars flow out, but in the ebb movement nothing comes back in. Our people are known for their generosity in many ways. During the high school basketball games off the reservation is a boom time in that clubs, 50-50, raffles, and other fund-raising projects benefit from the Native fans' dollars. Our presence has enhanced many.

The development of infrastructure and other economic opportunities are desired and appreciated that assists with Tribal economic progress. Other noted ventures such as the Northern Cheyenne's awarded stimulus funding to help with and provide for broadband opportunities for their communities and schools in that part of Montana. The potential for such a project not only will help the people in many ways, but will provide a quicker solution or results for the problems that they contend with in an array of settings. Schools, government offices, medical professions, and private citizens are able to complete their solutions faster by a broadband network with other parts of Montana and the world. In another setting Community Tel of Ronan partnered with a Blackfeet project company, Oki Communications, that will assist and bring about improvements and potential for both the Blackfeet and Confederated Salish and Kootenai tribes in many ways, also similar to the issues with the Northern Cheyenne Tribe.

The problems associated with life on the reservations is widely known, high death rates, low life expectancy, poverty issues, economic woes, and remoteness that confront our citizens on our reservations. It is important that the current Congress be mindful of the need to allow Health Care mandates for all of Montana. Please be mindful of the situation of those that depend on the facets of available and quality health care. I can stress that it is imperative that thoughts be focused on the newer generations of Montana's Tribal communities who have endured the inadequate health care as a result of budget cuts or disproportional formulas that factor allocations for our Indian Nations. I would like to take this time to recognize and mention a Blackfeet Elder whose eyes have seen a great deal throughout her life, Mrs. Lillian Henault Bullshoe, she is 103 years old and still going strong. Thank you.

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

Recently, I sat in this very room and heard Governor Schweitzer's State of the State address on the topic of education and how to lead a better life was to work hard and get a good, sound education that would provide for our youth out of high school. Our elders have encouraged us to stay in school, learn all that you can each and every day, "because" someday you're going to need it, and it will help you to survive in the world. I am extremely proud of the work with the bipartisan effort to promote and help establish "Indian Education For All." In other states and parts of the United States, Tribal Leaders and educators in those areas have expressed a desire to see a similar statute begin or be enacted in their respective states. Today you see the Young Grey Horse drum group carry on the culture, yet each are graduates of high school and some have entered the post secondary colleges/universities, and recently many of you witnessed the Blackfeet and Crow Tribes high school students perform through song and dance. Our local school districts can help to foster and assist to carry on the distinct cultural ways through a sound educational setting that brings about pride and encourages our students to proceed towards the next generation of leaders and citizens. Previously, I mentioned that many populations in smaller communities, towns, and school districts are diminishing and consolidating or merging together 2-3 at a time to create a larger school. Being an educator I know that this results in saving the taxpayers money in those areas, but at the same time creates a loss of identity or culture for those towns/communities that saw their schools close. On a flip side, Indian communities are seeing an increase in population growth; for example, our Blackfeet Tribe experienced an increase from last year when our population was 16,500 in comparison to this year's population that saw an increase to about 17,000 enrolled members excluding decedents. In our local district this resulted in the need to build a bigger high school and create more classroom space for the students. I might add that many of our area students either attend schools on the reservation in Browning and Heart Butte, others go off to attend BIA boarding schools, De LaSalle, Valier, Cut Bank or across the border in Cardston, Alberta, Canada. Other reservations may have similar growth spikes that result in the reorganization of their schools being reclassified such as Rocky Boy Reservations high school "Northern Stars" jumping from Class C to Class B.

As the state government wrangles with changes in the priorities of budgeting for our schools and institutions, as an educator and tribal leader I urge you to continue to provide for our students education across Montana. In reference to the Governor's statements you will be providing an opportunity for the generations to come with an opportunity and means to gain a good education that will improve their lives and provide for them. I want to add that I am a product of our Montana's school systems, Browning high school graduate, 1972, Blackfeet Tribal Community College 1985, University of Montana-BA degree in elementary education-2, 1994, MSU Masters of Education(M. Ed.)--School Administration/Leadership 2000, endorsements as K-12 principal and superintendent. So, in my house we have to bear on our bumpers the divided sticker advocating our loyalty for both the "Griz and Bobcats." I mentioned that the funding for the high school through the college/university eras for myself helped me to become a newer generation where I came back to provide for my family and enabled me to help educate our reservation students. My years as an educator/teacher saw me teach fourth grade for five years, seventh grade middle school for six years, and principal for six years, and I am proud to be a part of this professional group. Let's together look to support this very important foundation in our communities. They are our hopes and dreams for the future. Many of the tribal community colleges help to contribute and prepare students for the next level of

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

their educational paths and are improving their ability to provide two-four year programs for a variety of degree opportunities. For example, Salish Kootenai College offers new four-year bachelor programs at an affordable cost, but the tribal colleges need our help. Rising costs for improvements to facilities, curriculum and staff are rising. We can attest to the fact that the costs have risen in many other areas that taxes student funds to stay and maintain themselves or families. Tribal institutions serve a variety of different students, members, non-members, while tribal institutions serve the needs of students as described. State institutions receive federal and state benefits that help cover their costs; tribal institutions do not have this opportunity. Non-Beneficiary Payments would most certainly provide and serve the needs of tribal institutions.

Indian Nations have always been mindful of the homeland security issue and in this decade have seen it soar to the front as a concern for our country and state. Each Tribal Leader is aware of the encroachment or trespass problem in terms of protecting their tribal lands or environments. In today's globally changing world we are all concerned with the issue of providing for and maintaining a safe community that connects all our respective forces together in the Indian community. Close coordination of law enforcement agencies, medical and disaster agencies, and municipal entities such as towns/cities, and tribal security forces-Fish and Game, Indian Health Service (IHS) security, Housing Security, Facilities Security. Our Blackfeet Nation borders that of Alberta, Canada, with approximately 70 miles of fence that is largely unprotected. Funding is necessary to provide for our own Tribal Nation's forces to enable each Tribe to provide for their own internal agency charged with providing for our safety and that of the country. As it is, funding for the Blackfeet amounts to a trickle-down process and is significantly diminished in the amount to maintain and provide for a fully equipped department comprised of tribal members with law enforcement background. Presently our Tribe has one full-time employee and two part-time employees, yet the federal agencies-Border Patrol, ICE, Customs, Immigration, and Canadian Southern Alberta region RCMP, seek out our department staff due to the tribal lands of the Blackfeet Nation. All we ask is that Tribes be afforded any funding or consultation as it pertains to our homeland security and for the protection of our tribal members.

I would like to say that our new frontier is upon us again in these new millennia. The Schweitzer Administration have provided an opportunity for Tribal Nations that are self governing and the State of Montana to come together and work towards resolving the issues that present themselves as barriers or obstacles for the growth in Indian Country. Many Tribes have taken the risk and have taken the steps towards forging progress and economic growth in their communities: Blackfeet Nation established inroads into the military contracting with the creation of Blackfeet Advanced and Radiance Technologies and Chief Mountain Technologies with ability for Super 8a status; Crow Nation ventured into the Coal-to-Liquid Plant; Confederated Salish, Kootenai Nation established S & K Technologies; Fort Peck Nation forged ahead with A & S Industries; Fort Belknap Indian Community Council developed beef processing and packaging.

We are witnessing a great segment of time for Montana and for the Indian Nations. We ask and promise you a results and a return on the investments if you join us in the Circle. I ask if the legislature to restore funding to the Indian Economic Development grant. Through this

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

opportunity my tribe was able to utilize the appreciated funding to establish a facility to manufacture materials. The \$70,000 investment was a part to bring about a \$3.2 million military project onto the Blackfeet Reservation employing tribal members with jobs, education and an opportunity to demonstrate to everyone we are serious and want to succeed. Our tribal members have showcased our Adaptive Lightweight Material Construction products to our Montana Senators in recent times. This opportunity capital has been a nexus to the success that Tribal Leaders and the movers and shakers envision and realize with the Indian Equity Funding that assisted Indian businesses around the state.

There can be many victories and together we can all count coup on those challenges that confront the Indian Nations that are self governing and together we can share in the growth of all Montana's citizens no matter what color we are. Tribes are ready for assembling their respective tribesmen and conquering the foes of economic setbacks, poverty, poor health care issues, and social ills that confront us all. I ask that all of us here today resolve our issues with the dialogue processes and empower yourself to better understand those that inhabit Montana. In the historic old days strength and unity resulted in the large camp of lodges. Let us not set ourselves away into smaller camps of lodges and remain disconnected. Together let us forge our progress collectively and achieve the dreams by maintaining One Lodge, One Circle, and One Home Campfire. Thanks to the Creator, for all the things we enjoy, our families/friends, our health, and let us not forget our obligations as we live in this Great State of Montana. Always remember that on this day we were a family of brothers and sisters together, Soo ka pii, Hun yii.

Representative Small gave the benediction.

House stood at ease as the Senate and guests exited.

REPORTS OF STANDING COMMITTEES

TAXATION (Blasdel, Chairman):

2/2/2011

HB 143, do pass. Report adopted.

HB 165, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "DISTRIBUTION OF" on line 4

Insert: "PROCEEDS AND"

2. Page 3, line 14.

Following: "~~leasing and~~"

Insert: "leasing and"

3. Page 3, line 14.

Following: "77-1-102"

Strike: "(1)"

4. Page 3, line 15.

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

Following: ~~"leasing and"~~

Insert: "leasing and"

And, as amended, do pass. Report adopted.

HB 219, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "PAID"

Insert: "BEGINNING IN TAX YEAR 2015"

2. Page 1, line 23.

Following: "(b)"

Insert: "(i)"

Strike: "subject to subsection (3),"

3. Page 1, line 24.

Strike: "(i)"

Insert: "(A)"

Strike: "\$5,250"

Insert: "\$5,000"

4. Page 1, line 26.

Strike: "(ii)"

Insert: "(B)"

Strike: "\$10,500"

Insert: "\$10,000"

5. Page 1.

Following: line 26

Insert: "(ii) for tax years beginning after December 31, 2014, and subject to subsection (3), federal income taxes paid within the tax year, not to exceed:

(A) \$5,250 for each taxpayer filing singly, as head of household, or as married filing separately; or

(B) \$10,500 for married taxpayers filing jointly;"

6. Page 4, line 11.

Following: "(1)(b)"

Insert: "(ii)"

7. Page 4, line 18.

Strike: "2011"

Insert: "2014"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

HB 224, do pass. Report adopted.

TRANSPORTATION (Vance, Chairman):

2/2/2011

HB 298, do pass. Report adopted.

HB 319, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/2/2011

SB 143, introduced by De. Barrett

SB 146, introduced by Lake

SB 156, introduced by Windy Boy

SB 159, introduced by Priest

SB 221, introduced by Gillan

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 152 passed as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Yates, Mr. Speaker.
Total 63

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: McChesney, Phillips, Small, Wagner.

Total 4

HB 154 failed as follows:

Yeas: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Greef, Hale, Hansen, Harris, Hoven, Howard, Kary, Kennedy, Kerns, Knox,

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

Knudsen, Lavin, Loney, McGillvray, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 46

Nays: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 53

Excused: None.

Total 0

Absent or not voting: Phillips.

Total 1

HB 216 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Barrett, Court, Hunter, Ingraham, Lavin, Malek, McClafferty, F. Smith, Squires.

Total 9

Excused: None.

Total 0

Absent or not voting: Burnett, Phillips.

Total 2

HB 302 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl,

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 62

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hands in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 99 - Representative Ingraham moved **HB 99** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Hollandsworth, Osmundson.

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 254 - Representative Vance moved **HB 254** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 180 - Representative Edmunds moved **HB 180** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Flynn, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F.

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

Smith, Squires, Swanson, Williams, Wilmer.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 35 - Representative Schmidt moved **HB 35** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 79

Nays: G. Bennett, Blasdel, Blyton, Connell, Edmunds, Esp, Flynn, Hale, Kary, Kerns, Knox, Lavin, McGillvray, McNiven, Miller, Osmundson, Randall, Regier, C. Smith, Stahl, Vance.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 272 - Representative Flynn moved **HB 272** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 72

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hands moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 82

Nays: Barrett, B. Bennett, Boland, Hill, MacDonald, McClafferty, McNally, Noonan, Pease-Lopez, Price, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.

Total 17

Excused: None.

Total 0

Absent or not voting: Reichner.

Total 1

MOTIONS

Representative Burnett moved to change his vote on **HB 180** from Not Voting to Yes. Without objection, so ordered.

Representative McGillvray moved **HB 35** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative Court moved to change his vote on **HB 152** from Yes to No. Without objection, so ordered.

Representative Small moved **HB 396** be moved from the Human Services committee to the Business and Labor committee.

HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

Representative Price rose on a point of personal privilege to correct a statement made on a bill the day before in regard to the number of teachers and educators employed.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Friday, February 4, 2011. Motion carried.

House adjourned at 3:01 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
TWENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
February 4, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Arntzen. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman): 2/4/2011

Correctly printed: **HB 102, HB 231, HB 255, HB 256, HB 279, HB 297, HB 309, HB 315, HB 356, HB 367.**

Correctly engrossed: **HB 179, HB 181, HB 283, HB 300, HB 307.**

Rep. Miller rose on a point of personal privilege to correct a statement made during the previous day's discussion on **HB 180**, regarding facts given.

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth legislative days, find the same to be correct.

Representative O'Hara, Chair

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman): 2/3/2011
HB 309, do pass. Report adopted.

BUSINESS AND LABOR (Arntzen, Chairman): 2/3/2011
HB 179, introduced bill, be amended as follows:

1. Page 1, line 20.

Following: "employment"

Insert: "or within the first 30 days of the probationary period if the probationary period is 30 days or longer"

And, as amended, do pass. Report adopted.

HB 283, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "GENDER"

Insert: "SEX"

HOUSE JOURNAL
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 4, 2011

2. Title, page 1, line 7.

Strike: "SECTIONS 33-16-103 AND"

Insert: "SECTION"

3. Page 1, line 12 through line 27.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 2, line 1.

Following: "~~sex or~~"

Insert: "sex or"

5. Page 2, following line 8.

Insert: "(4) Except as provided in subsection (5), it is not a violation of the prohibition against sex discrimination in this section for a person to use industry-approved actuarial standards based on sex in establishing insurance premium rates.

(5) An insurer or a health service corporation that issues or renews a policy, certificate, or membership contract of health insurance coverage as defined in 33-22-140 to a resident of this state may not use industry-approved actuarial standards based on sex to establish health plan premium rates."

6. Page 2, line 10 through line 18.

Strike: sections 3 and 4 in their entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 300, introduced bill, be amended as follows:

1. Page 3, line 13.

Following: "(1)"

Insert: "(a)"

2. Page 3, line 17.

Strike: "(a)"

Insert: "(i)"

3. Page 3, line 19.

Strike: "(b)"

Insert: "(ii)"

HOUSE JOURNAL
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 4, 2011

4. Page 3, following line 19.

Insert: "(b) Collective bargaining agreements covering cement plants and associated quarries that propose to extend the employment period beyond 8 hours a day must contain provisions that delineate the specific hours of work agreed upon by the employer and the collective bargaining agent."

And, as amended, do pass. Report adopted.

HB 307, introduced bill, be amended as follows:

1. Page 1, line 25.

Following: "dwelling"

Insert: ", a multiunit residential building that does not have more than one level above ground,"

Following: "or a"

Insert: "multilevel"

And, as amended, do pass. Report adopted.

HB 315, do pass. Report adopted.

HB 356, do pass. Report adopted.

HB 367, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

2/2/2011

HB 102, do pass. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman):

2/3/2011

HB 181, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: line 18

Insert: "(3)(a) For purposes of subsection (2), each unit owner is entitled to have the percentage of the unit owner's undivided interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located.

(b) The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change pursuant to subsection (2) or by the presiding officer of the association of unit owners."

And, as amended, do pass. Report adopted.

HB 231, do pass. Report adopted.

HOUSE JOURNAL
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 4, 2011

STATE ADMINISTRATION (Ingraham, Chairman):

2/3/2011

HB 255, do pass. Report adopted.

HB 256, do pass. Report adopted.

HB 279, do pass. Report adopted.

HB 297, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/3/2011

SB 35, introduced by Hamlett

SB 133, introduced by De. Barrett

SB 173, introduced by Tutvedt

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 409, introduced by Beck, Sonju, Blasdel, Caferro, referred to Human Services.

HB 410, introduced by Beck, Sonju, Blasdel, Caferro, referred to Human Services.

HB 411, introduced by Wilmer, Menahan, referred to Natural Resources.

HB 412, introduced by Harris, Hale, Beck, Hendrick, Edmunds, Hinkle, Vance, Loney, Osmundson, Hollandsworth, C. Smith, Skees, Blyton, Wagner, Kary, Lavin, referred to Judiciary.

HB 413, introduced by Harris, Edmunds, Wagner, referred to Agriculture.

HB 414, introduced by Harris, Jackson, Hale, Beck, Olson, Balyeat, Edmunds, Hendrick, Osmundson, Hollandsworth, Hinkle, Blyton, C. Smith, Wagner, Sonju, Wittich, Loney, Knox, Skees, Kary, Blasdel, Lavin, Skattum, Kennedy, Arthun, Buttrey, Jones, referred to Federal Relations, Energy, and Telecommunications.

HB 415, introduced by Di. Barrett, referred to Business and Labor.

HB 416, introduced by Klock, referred to Business and Labor.

HB 417, introduced by Sands, referred to State Administration.

HB 418, introduced by Edmunds, referred to State Administration.

HB 419, introduced by Beck, Arthun, referred to Business and Labor.

HB 420, introduced by Malek, referred to Education.

HB 421, introduced by Malek, referred to Education.

HB 422, introduced by Hale, Vincent, G. Bennett, Olson, Murphy, McClafferty, Vuckovich, Yates, Noonan, Keane, referred to Natural Resources.

HB 423, introduced by Belcourt, Windy Boy, Caferro, Hiner, Ankney, Sesso, Hamlett, Stewart-Peregoy, Vuckovich, Keane, Noonan, Evans, Vincent, Gallus, Knudsen, F. Smith, Phillips, referred to Appropriations.

HB 424, introduced by Knudsen, referred to Appropriations.

HB 425, introduced by K. Peterson, referred to Judiciary.

HB 426, introduced by MacLaren, Sonju, Olson, C. Smith, McGillvray, Tutvedt, referred to Local Government.

HOUSE JOURNAL
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 4, 2011

HB 427, introduced by Knox, Howard, Skees, Kennedy, Wagner, Kary, Blyton, referred to Business and Labor.

HB 428, introduced by Berry, Olson, referred to Business and Labor.

HB 429, introduced by Berry, McGillvray, K. Peterson, C. Smith, referred to Human Services.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 99 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Hiner.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 180 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner,

HOUSE JOURNAL
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 4, 2011

Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 254 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 272 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 73

HOUSE JOURNAL
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 4, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Hands, Hill, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 26

Excused: None.

Total 0

Absent or not voting: Skees.

Total 1

House Recessed.

House Reconvened.

The Dillon Junior Fiddlers, founded by Jeannie and Sandy James, performed three songs.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Connell in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 123 - Representative McClafferty moved **HB 123** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

HOUSE JOURNAL
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 4, 2011

Absent or not voting: None.

Total 0

HB 211 - Representative Ingraham moved **HB 211** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 273 - Representative Mehlhoff moved consideration of **HB 273** be passed for the day. Motion carried.

HB 185 - Representative Berry moved **HB 185** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

HOUSE JOURNAL
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 4, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 261 - Representative Rosendale moved **HB 261** do pass.

HB 261 - Representative McGillvray moved consideration of **HB 261** be passed for the day.
Motion carried.

HB 212 - Representative Ingraham moved **HB 212** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Regier.

Total 1

HB 294 - Representative Cook moved **HB 294** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

HOUSE JOURNAL
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 4, 2011

Total 83

Nays: Ankney, Barrett, Belcourt, B. Bennett, Court, Driscoll, Hands, Hill, Hollenbaugh, Hunter, Loney, Malek, Mehlhoff, Peterson, Small, F. Smith, Squires.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 298 - Representative McNutt moved **HB 298** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: B. Beck.

Total 1

HB 292 - Representative Kennedy moved **HB 292** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

HOUSE JOURNAL
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 4, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 198 - Representative K. Peterson moved **HB 198** do pass.

HB 198 - Representative K. Peterson moved **HB 198**, second reading copy, be amended as follows:

1. Page 1, line 22.

Following: "property"

Insert: ", as provided in Title 70, chapter 30,"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 90

Nays: Boland, Flynn, Hale, Malek, McClafferty, Mehlhoff, Noonan, Schmidt, Squires.
Total 9

Excused: None.
Total 0

Absent or not voting: Read.
Total 1

HB 198 - Representative K. Peterson moved **HB 198**, second reading copy, be amended as follows:

HOUSE JOURNAL
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 4, 2011

1. Page 1, line 17 through line 18.

Strike: "ITS" on line 17 through "SERVICES" on line 18

Insert: "the customers of its regulated service"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr.

Speaker.

Total 92

Nays: B. Bennett, Boland, Hands, Malek, McClafferty, Noonan.

Total 6

Excused: None.

Total 0

Absent or not voting: Clark, C. Smith.

Total 2

HB 198 - Representative K. Peterson moved **HB 198**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Salomon, Skattum, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Mr. Speaker.

Total 56

Nays: Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Flynn, Furey, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer, Yates.

Total 44

HOUSE JOURNAL
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 4, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Connell moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 73

Nays: B. Bennett, Boland, Court, Driscoll, Flynn, Furey, Hale, Hands, Hill, Hunter, MacDonald, McClafferty, McNally, Mehlhoff, Noonan, O'Neil, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn.

Total 26

Excused: None.

Total 0

Absent or not voting: Connell.

Total 1

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 206**
Motion carried.

HB 206 (MacLaren Chief Sponsor)

Arntzen, Berry, Connell, Flynn, Greef, Howard, McGillvray, Read, Reichner, C. Smith, Warburton, Welborn, Balyeat, Essmann, Olson, Sonju.

HOUSE JOURNAL
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 4, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Saturday, February 5, 2011. Motion carried.

House adjourned at 2:51 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
TWENTY-NINTH LEGISLATIVE DAY**

Helena, Montana
February 5, 2011

House Chambers
State Capitol

House convened at 8:00 a.m. Representative Taylor, Speaker Pro Tem, in the Chair. Invocation by Rep. Welborn. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Arntzen, Beck, Milburn, Skees, and Stahl, excused. Quorum present.

BILLS (O'Hara, Chairman): 2/5/2011

Correctly printed: **HB 49, HB 90, HB 93, HB 174, HB 384.**
Correctly engrossed: **HB 34, HB 42, HB 280, HJR 6.**

Speaker Pro-Tem Taylor thanked the pages.

MOTIONS

Rep. Kennedy moved to pass consideration on **HB 292**. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman): 2/4/2011
HB 34, introduced bill, be amended as follows:

1. Page 1, line 30.

Strike: "14.6%"

Insert: "14.06%"

2. Page 2, line 5.

Strike: "2.4%"

Insert: "2.94%"

3. Page 3, line 1.

Strike: "14.6%"

Insert: "14.06%"

4. Page 3, line 6.

Strike: "2.4%"

Insert: "2.94%"

And, as amended, do pass. Report adopted.

HB 42, introduced bill, be amended as follows:

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2011

1. Title, page 1, line 6.

Following: "FUND;"

Insert: "EXTENDING THE ALLOCATION OF THE OIL AND NATURAL GAS PRODUCTION TAXES INTO THE COAL BED METHANE PROTECTION ACCOUNT; DELAYING THE ALLOCATION INCREASES TO THE NATURAL RESOURCES PROJECTS AND NATURAL RESOURCES OPERATIONS STATE SPECIAL REVENUE ACCOUNTS; EXTENDING THE TERMINATION DATE FOR CERTAIN DEPOSITS INTO THE COAL BED METHANE PROTECTION ACCOUNT;"

2. Title, page 1, line 6.

Following: "AMENDING" on line 6

Strike: "SECTION"

Insert: "SECTIONS 15-36-331 AND"

3. Title, page 1, line 7.

Following: "MCA;"

Insert: "AMENDING SECTION 10, CHAPTER 531, LAWS OF 2001;"

4. Page 1, line 10.

Insert: "**Section 1.** Section 15-36-331, MCA, is amended to read:

"15-36-331. Distribution of taxes. (1) (a) For each calendar quarter, the department shall determine the amount of tax, late payment interest, and penalties collected under this part.

(b) For the purposes of distribution of oil and natural gas production taxes to county and school district taxing units under 15-36-332 and to the state, the department shall determine the amount of oil and natural gas production taxes paid on production in the taxing unit.

(2) (a) The amount of oil and natural gas production taxes collected for the privilege and license tax pursuant to 82-11-131 must be deposited, in accordance with the provisions of 17-2-124, in the state special revenue fund for the purpose of paying expenses of the board, as provided in 82-11-135.

(b) The amount of the tax allocated in 15-36-304(7)(b) for the oil and gas natural resource distribution account established in 90-6-1001(1) must be deposited in the account.

(3) (a) For each tax year, the amount of oil and natural gas production taxes determined under subsection (1)(b) is allocated to each county according to the following schedule:

Big Horn	45.05%
Blaine	58.39%
Carbon	48.27%
Chouteau	58.14%
Custer	69.53%
Daniels	50.81%
Dawson	47.79%
Fallon	41.78%
Fergus	69.18%
Garfield	45.96%

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2011

Glacier	58.83%
Golden Valley	58.37%
Hill	64.51%
Liberty	57.94%
McCone	49.92%
Musselshell	48.64%
Petroleum	48.04%
Phillips	54.02%
Pondera	54.26%
Powder River	60.9%
Prairie	40.38%
Richland	47.47%
Roosevelt	45.71%
Rosebud	39.33%
Sheridan	47.99%
Stillwater	53.51%
Sweet Grass	61.24%
Teton	46.1%
Toole	57.61%
Valley	51.43%
Wibaux	49.16%
Yellowstone	46.74%
All other counties	50.15%

(b) The oil and natural gas production taxes allocated to each county must be deposited in the state special revenue fund and transferred to each county for distribution, as provided in 15-36-332.

(4) The department shall, in accordance with the provisions of 17-2-124, distribute the state portion of oil and natural gas production taxes remaining after the distributions pursuant to subsections (2) and (3) as follows:

(a) for each fiscal year through the fiscal year ending June 30, 2011, to be distributed as follows:

- (i) 1.23% to the coal bed methane protection account established in 76-15-904;
- (ii) 1.45% to the natural resources projects state special revenue account established in 15-38-302;
- (iii) 1.45% to the natural resources operations state special revenue account established in 15-38-301;
- (iv) 2.99% to the orphan share account established in 75-10-743;
- (v) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 15-10-108; and
- (vi) all remaining proceeds to the state general fund;

(b) for fiscal years beginning after June 30, 2011, and ending June 30, 2015, to be distributed as follows:

- (i) 1.23% to the coal bed methane protection account established in 76-15-904;
- ~~(i)~~(ii) 2.16% 1.45% to the natural resources projects state special revenue account established in 15-38-302;
- ~~(ii)~~(iii) 2.02% 1.45% to the natural resources operations state special revenue account

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2011

established in 15-38-301;

~~(iii)~~(iv) 2.95% to the orphan share account established in 75-10-743;

~~(iv)~~(v) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 15-10-108; and

~~(v)~~(vi) all remaining proceeds to the state general fund;

(c) for fiscal years beginning after June 30, 2015, to be distributed as follows:

(i) 2.16% to the natural resources projects state special revenue account established in 15-38-302;

(ii) 2.02% to the natural resources operations state special revenue account established in 15-38-301;

(iii) 2.95% to the orphan share account established in 75-10-743;

(iv) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 15-10-108; and

(v) all remaining proceeds to the state general fund."

Renumber: subsequent sections

5. Page 1, line 27.

Strike: "2011" through "2001"

Insert: "2015"

6. Page 1, line 28.

Insert: "Section 3. Section 10, Chapter 531, Laws of 2001, is amended to read:

"Section 10. Termination. [Sections 4(2) and 6] terminate June 30, 2014 2015."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 49, do pass. Report adopted.

HB 90, do pass. Report adopted.

HB 93, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

2/4/2011

HB 174, do pass. Report adopted.

HB 280, introduced bill, be amended as follows:

1. Page 2, line 25 through line 28.

Following: "that," on line 25

Strike: remainder of line 25 through "function" on line 28

Insert: "to a reasonable degree of medical certainty, so complicates the medical condition of the pregnant woman that it necessitates the immediate abortion of the pregnancy without first determining gestational age to avert the woman's death or for which the delay necessary to determine gestational age will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions"

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2011

2. Page 3, line 3.

Strike: "or recklessly"

3. Page 3, line 4.

Strike: "felony"

Insert: "misdemeanor and upon conviction shall be punished by a term of imprisonment of not more than 6 months, by a fine of not more than \$1,000, or both"

And, as amended, do pass. Report adopted.

HB 384, do pass. Report adopted.

NATURAL RESOURCES (Hendrick, Chairman):

2/4/2011

HJR 6, introduced joint resolution, be amended as follows:

1. Page 1, line 18.

Strike: "first"

Insert: "third"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/4/2011

SB 90, introduced by Essmann

SB 109, introduced by De. Barrett

SB 201, introduced by Walker

Senate joint resolution passed and transmitted to the House for concurrence:

2/4/2011

SJR 6, introduced by Olson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 5, introduced by Brown, referred to Agriculture.

SB 11, introduced by Erickson (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

SB 38, introduced by Hawks (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

SB 46, introduced by Tropila, Brown (by request of the Office of Budget and Program Planning), referred to Business and Labor.

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2011

SB 47, introduced by Vincent (by request of the Environmental Quality Council), referred to Natural Resources.

SB 53, introduced by Balyeat (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

SB 55, introduced by Jent (by request of the Secretary of State), referred to State Administration.

SB 66, introduced by Lake (by request of the Education and Local Government Interim Committee), referred to Education.

SB 69, introduced by Wanzenried (by request of the Capitol Complex Advisory Council), referred to State Administration.

SB 74, introduced by Steinbeisser (by request of the Department of Agriculture), referred to Agriculture.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Salomon in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 319 - Representative McNutt moved **HB 319** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: Belcourt, Blasdel, Evans, Hale, Kennedy, Kerns, O'Neil, Small, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2011

HB 43 - Representative MacLaren moved consideration of **HB 43** be passed for the day.
Motion carried.

HB 209 - Representative Washburn moved **HB 209** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 36

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 165 - Representative Hollandsworth moved **HB 165** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.
Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Ehli, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, McNiven, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 36

Excused: None.
Total 0

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2011

Absent or not voting: Welborn.

Total 1

HB 261 - Representative Rosendale moved **HB 261** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Belcourt, Boland, Court, Malek, Mehlhoff, Williams.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 224 - Representative F. Smith moved **HB 224** do pass. Motion **failed** as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.

Total 35

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Excused: None.

Total 0

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2011

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Salomon moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sesso, Skattum, Small, C. Smith, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.
Total 83

Nays: B. Bennett, Boland, McNally, Noonan, Pease-Lopez, Phillips, Price, Sands, Schmidt, F. Smith, Squires.

Total 11

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.

Total 5

Absent or not voting: Hoven.

Total 1

MOTIONS

HB 292 - Representative Kennedy moved consideration of **HB 292** be placed at the bottom of the third reading board for the purpose of amendment. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 123 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty,

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2011

McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 94

Nays: None.

Total 0

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.

Total 5

Absent or not voting: Cuffe.

Total 1

HB 185 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 95

Nays: None.

Total 0

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.

Total 5

Absent or not voting: None.

Total 0

HB 211 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock,

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2011

Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 94

Nays: Kerns.

Total 1

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.

Total 5

Absent or not voting: None.

Total 0

HB 294 passed as follows:

Yeas: Ankney, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, C. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates.

Total 82

Nays: Barrett, Belcourt, B. Bennett, Driscoll, Hands, Hill, Loney, MacDonald, Malek, Peterson, Small, F. Smith, Williams.

Total 13

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.

Total 5

Absent or not voting: None.

Total 0

HB 212 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill,

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2011

Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 95

Nays: None.

Total 0

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.

Total 5

Absent or not voting: None.

Total 0

HB 298 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 95

Nays: None.

Total 0

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.

Total 5

Absent or not voting: None.

Total 0

HB 292 passed as follows:

Yeas: Ankney, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock,

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2011

Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates.

Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.

Total 5

Absent or not voting: None.

Total 0

MOTIONS

Representative Burnett moved to change his vote on **HB 185** from Not Voting to Yes. Without objection, so ordered.

Representative McGillvray moved **HB 209** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 165** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative Sesso moved the following:

1. Page 1, line 1.

Insert: "NEW SECTION. Section 1. Greatest Professional Football Team -- of all time. The 62nd Legislature finds that the Green Bay Packers, winners of Super Bowl XLV, are deserving of memorialization in the Montana Code Annotated."

Amendment adopted as follows:

Yeas: Ankney, Barrett, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Court, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Hunter, Kary, Kerns, Klock, Loney, MacDonald, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, Noonan, O'Neil, Phillips, Price, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Welborn, Williams, Yates.

Total 57

HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2011

Nays: Bangerter, Belcourt, Blyton, Clark, Connell, Cook, Cuffe, Edmunds, Evans, Greef, Hansen, Hollenbaugh, Howard, Ingraham, Kennedy, Knox, Knudsen, Lavin, MacLaren, Malek, Mehlhoff, More, O'Hara, Pease-Lopez, Peterson, Randall, Read, Reichner, Small, C. Smith, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Wilmer.
Total 37

Excused: Arntzen, B. Beck, Skees, Stahl, Mr. Speaker.
Total 5

Absent or not voting: Osmundson.
Total 1

SPECIAL ORDERS OF THE DAY

Chief Clerk Cargo announced that when bills are passed for consideration for the day, if the members would keep their bill copies to save extra printing of the bill.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Monday, February 7, 2011. Motion carried.

Representative McGillvray rose on a point of personal privilege regarding a headline in an article by *The Great Falls Tribune* which he believed incorrectly provided information about a bill brought by Representative Kennedy. Representative McGillvray requested a correction from *The Great Falls Tribune*.

House adjourned at 9:06 a.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
THIRTIETH LEGISLATIVE DAY**

Helena, Montana
February 7, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Blyton. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Knudsen, excused. Quorum present.

BILLS (O'Hara, Chairman): 2/7/2011

Correctly printed: **HB 161**.

Correctly engrossed: **HB 288, HB 327**.

Rep. Bennett introduced the pages for the week as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman): 2/7/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 12:00 p.m., Saturday, February 5, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Allison Cazier, Toston Carlton Michel, East Helena Cree Shield, Great Falls Amber Stenson, Dupuyer Clint Cooper, Polson Dustin Lenz, Billings Ashlee Kane, East Helena

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, February 7, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Matt McNeal, Pompey's Pillar Theresa Wrzesinski, Twin Bridges Kelsy Manger, White Sulphur Springs Kristian Honadel, Havre Shannon Young, Pony Canyon Rehbein, Lambert Samantha Nyberg, Big Timber Melissa Eder, Columbus

Report Adopted.

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

MOTIONS

Rep. McGillvray moved that the House recess for the purpose of receiving an address by the Honorable, Congressman from the State of Montana, Denny Rehberg. Upon adjournment of the joint session, the House will reconvene at 2:00 p.m., February 7, 2011. Motion carried.

Sgt-at-Arms Bean announced that the Honorable Senate of the State of Montana awaits outside the chamber.

Speaker Milburn requested Sgt-at-Arms Bean to admit the Senate.

Speaker Milburn introduced President Peterson and yielded the chair.

Sen. Essmann moved that the body resolve itself into a joint session for the purpose of receiving an address by the Honorable Congressman from the State of Montana, Denny Rehberg. Motion carried.

Sen. Essmann moved that the President be authorized to appoint a committee of four to notify Congressman Rehberg that we are in joint session and ready to receive his address.

President Peterson appointed Senators Brenden, Larsen, and Representatives More and Reinhart.

Sgt-at-Arms Clark announced that the committee to escort the Honorable Denny Rehberg awaits entrance to the House Chamber.

President Peterson requested that Sgt-at-Arms Clark admit Congressman Rehberg into the House Chamber.

President Peterson introduced Congressman Rehberg.

Congressman Rehberg made the following comments:

Thank you, Speaker Milburn and President Peterson. Addressing the Montana Legislature is always a high honor for me and also a bit of a homecoming.

I look around this Chamber and I see a lot of my old friends and former colleagues. Your faces remind me of all the ways we have worked together to serve the people of Montana - and make sure our state remains a great place to start a small business or to raise a big family!

Of course, it's good to see a lot of new faces out there as well! Congratulations to all of you who have taken your seats in this Legislature for the first time. Last November, people across Montana and across America spoke with a clear voice. Today, they speak through your voices.

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

I know you will never forget what an honor it is to serve our state. On January 5 of this year, I took an Oath of Office myself once again. As in this Chamber, there were a lot of new faces as well. Like today, there was a man who was new to the title of "Speaker" but who wore it very well!

The Oath I took was to support and defend the Constitution of the United States and to "well and faithfully discharge" the duties of my office. My purpose today is to share with all of you how I propose that the new Congress and this new Legislature can work together effectively and live up to our Oaths together.

As you know, there are two basic visions of how the federal government should be in relationship with the states and rarely in American history has the difference between those visions been more obvious. One vision, paternalism, has been guiding the power brokers in Washington over the last two years:

It's the idea that the federal government knows best; it's the idea that state legislators like you need to be told what to do; it's the idea that the American people just need to shut up and let the "experts" do their thing.

I, for one, am glad that the American people did not shut up; and I'm glad they have rejected the insufferable arrogance that they saw coming out of Washington, DC.

The American people showed they believe in the second vision which is called states' rights. It's the idea that the people are the experts and that the best government is self-government; it's the idea that the states created the federal government not the other way around and that states like Montana remain the best "laboratories of democracy" in the entire world. It's the idea that Washington has important responsibilities but limited powers, and that when Washington tries to do too much, most of the time it tends to screw things up.

Like most Americans, I believe that states' rights is the right vision. Why? One reason is that our founders got a lot of things right. One of them, James Madison, wrote in the Federalist Papers that "The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite."

Another Founder, Thomas Jefferson, wrote this: "The several states composing the United States of America are not united on the principle of unlimited submission to their general government;"

Madison and Jefferson were smart guys - but I say: if you want to understand the wisdom of states' rights, you don't need to read about it in a history book; you can see it - right here in the assembled representatives of the Montana Legislature.

As members of the Montana Legislature, you represent the character and vitality of our great state. Some of you are job creators and running your own small businesses; some of you are public school teachers - and helping our children realize their full potential; others work in health care, energy, and other fields where technology is creating opportunities that our parents never

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

dreamed of; I see a few fellow parents in this Chamber by the way - and a few grandparents as well.

All of you have one thing in common: every single one of you is a citizen-legislator. The taxes you raise you will have to pay; the regulations you impose, you will have to comply with. You don't have to visit your constituents - you are your constituents: and your perspective will guide you to govern well.

My job as your Congressman is to defend the states' rights principle in Washington. That means focusing on the core responsibilities of the federal government; that means getting Washington off the backs of our people - as well as legislators like you in state capitals across America; and that means ending federal management of the gray wolf population here in Montana.

Unfortunately, the only thing growing faster than the gray wolf population is the number of obstructionist environmental groups and their lawyers. Environmental obstructionists found a federal judge in Missoula that was willing to ignore the scientific evidence as well as the expert opinions of on-the-ground wildlife managers here in Montana. And he ruled last August that the grey wolf had to remain on the Endangered Species List.

When I first heard his decision, like many of you, I wanted to take action immediately. I asked: How can we put some of these judicial activists on the Endangered Species List? I am still working on that! But in the meantime, I have introduced legislation that would permanently end federal jurisdiction over the gray wolf population - and return responsibility to the wildlife managers here in Montana.

By the way, I am glad to hear that Senator Baucus supports the federalist principle when it comes to the gray wolf population. I understand he told this Chamber a few weeks ago that: "Montanans, not Washington bureaucrats, know best how to manage wolves." That was well said. But I wonder when he's going to figure out that Montanans, not Washington bureaucrats, know best how to manage our own health care too!

You don't need me to tell you that the new federal health care law is one of the biggest affronts to states' rights in American history. Some Americans call this law "ObamaCare." But two federal judges have now called it "unconstitutional."

We knew some of the bad news on the front end: It's got half a trillion dollars in higher taxes; Another half trillion in cuts to Medicare; and thousands of pages of red tape.

But somehow the more we learn about the new health care law, the less there is to like. We have discovered that the new law imposed a huge burden of paperwork on small businesses by requiring them to submit countless "1099 Forms" to the IRS. We have heard that the employer mandate is so onerous that it may be cheaper for some employers to just pay the fine and eliminate health insurance coverage for their current employees. We have seen how the Obama Administration has granted "waivers" from its own health care law for more than 700 organizations a lot of them unions and the big dogs who can afford to hire the best-dressed

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

lobbyists in Washington. And legislators like you have learned the full extent of the unfunded mandate imposed through the expansion of the Medicaid program which in our state is estimated to blow a hole in our state budget of more than \$100 million through 2019.

I appreciate that the Supreme Court may ultimately declare the health care bill unconstitutional. I certainly hope they do so if it comes to that as a matter of law. But Congress passed this law, so Congress can repeal it. And on January 19th, I was proud to stand with 244 of my colleagues as we voted to repeal this terrible law. Unfortunately, we can't repeal the failed stimulus bill or all the other reckless federal spending over the last two years because the money's already out the door. You all know the numbers: the federal budget deficit this year will be over one trillion dollars for the third straight year, according to the nonpartisan Congressional Budget Office; Washington now borrows more than 40 cents of every dollar we spend; and our federal debt has grown to an unbelievable 14 trillion dollars.

All this spending has been unsuccessful because it didn't keep our national unemployment rate below 8 percent as the White House promised. And a lot of this spending has been just plain dumb: the Obama Administration sent about 89,000 stimulus checks to dead people; the stimulus bill also included: \$1.9 million for international ant research; \$700,000 to study why monkeys respond negatively to inequity; and nearly \$200,000 to study voter perceptions of the stimulus bill itself!

Here in Montana, we were promised that millions of stimulus dollars would go to the Whitetail Port of Entry until the Canadians decided that 5 vehicles a day wasn't worth their own taxpayer dollars and decided to close their side. And in what has to be the most ironic earmark of them all the omnibus spending bill that was blocked in the Senate right before Christmas included more than \$700,000 to compensate ranchers in Wisconsin, Minnesota, and Michigan whose cattle are eaten by--you guessed it--endangered wolves!

But the biggest travesty of Washington's stimulus spending spree is not that it was a waste of money; it's that the money has been stolen in plain sight from our children and grandchildren. Every dollar of the national debt is a dollar our children will not have the freedom to spend or to save for themselves. Every paycheck they receive will be smaller; their family budgets tighter, not because they chose to send their hard-earned money to Washington but because Washington took it and spent it before they even earned it--before they even got a chance to vote--for many of our children, before they were even born! This is what "taxation without representation" looks like in the 21st Century. And, it means our nation's fiscal mess is not just a math problem, it's a moral problem and we owe our children much better leadership.

The new majority in the House of Representatives believes we need to face our spending problem head-on--and that's why we unanimously voted to ban all earmarks in the 112th Congress. I stand before you as a reformed earmarker; I know this reform is long overdue; and I know it's just the first step we needed to take to get back on the path of fiscal discipline. More difficult spending decisions lie ahead and I will help lead this effort as Chairman of the Appropriations Subcommittee for Labor, Health and Human Services, and Education. This is the

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

subcommittee that has the power to end funding for ObamaCare. It's the subcommittee with major responsibilities for entitlement reform.

My colleagues and I will help re-establish fiscal discipline in Washington but that doesn't mean the battle for states' rights is over. Instead, we can already see the battle shifting: from the halls of the Capitol to the layers of federal bureaucracy that are imposing huge new regulatory burdens on the American people. And even when Congress hasn't given federal agencies more power, they've taken it anyway: when Congress didn't pass the disastrous "cap and trade" bill, the Environmental Protection Agency said: no problem! We'll just reclassify carbon dioxide - that's the stuff you and I are exhaling right this very minute as a "pollutant" that they now can regulate under the Clean Air Act.

And last week, the EPA claimed that it now has jurisdiction over spilled milk. I am not making this up. You see, Congress gave the agency responsibility over oil spills - which makes sense. But someone told them that milk contains animal fat - which is a form of non-petroleum oil. And ... well you get the picture. The impact on Montana's dairy farmers could be severe not to mention surreal. They may soon have to develop "emergency management plans" for spilled milk - as well as train "first responders." I say: If anyone wants a "first responder" for spilled milk, just adopt a cat!

Here's another example of regulatory overreach that hits us close to home here in Montana. A lot of us were surprised to learn that the Obama Administration developed a secret plan in the Interior Department to take over millions of acres of our state by declaring them a "national monument." To borrow a phrase from President Obama: "Let me be clear." No additional national monuments should be created in our state without input from the people of Montana and the approval of Congress. I've introduced legislation to stop federal bureaucrats from abusing their regulatory powers and I assure you I will be on high alert for any other power grabs that could impact our state.

As I'm fighting the battle for states' rights in Washington, I encourage all of you to continue to make the case for good government here in Helena. I implore you: keep the pressure on us in Congress. Show us how the new health care law is busting the state budget and don't make it any easier for it to be implemented in our state.

Don't wait on Congress to send a balanced budget amendment to the states for ratification: instead, send a petition to Congress to force us to call a constitutional convention if we fail to act! And continue to pass resolutions to call attention to our broken immigration system and other ways the federal government is failing the people of Montana.

By far the best thing you can do is to continue to be one of the best performing "laboratories of democracy" in America: by keeping government spending and taxes under control; by making sure Montana remains a great place to build a business and raise a family; by showing that Montana doesn't have a lot to learn from Washington though we do have a lot of commonsense solutions to share.

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

I believe over the next several years we will witness the implosion of the "paternalistic" model of government: California has doubled down on its high tax, high regulation experiment with big government. Illinois just raised personal income taxes by 66 percent! Our state has a tremendous opportunity: to present itself as the compelling contrast to these failed models; to help restore faith in limited government and to prove the wisdom of states' rights.

Conclusion: Honor the Troops

Whatever happens over the next 90 days and during your entire term in office, I hope you will remember to be humble in your public service as I am: None of us are perfect creatures in the sight of God - but all of us are made in His image - and our oaths call us to live and lead by His example of love and self-sacrifice. Also remember that our freedom isn't free. Even as we speak, Montanans are defending liberty in far-off places that are full of danger. Everybody says to pray for our troops - and of course we all should. But we should also try to see America - and our beloved Montana - as our troops see it: a place well worth defending; Because it remains a land of promise.

God bless you all and God Bless the Great State of Montana.

President Peterson instructed the committee of four to escort the Congressman and guests from the chamber.

Sen. Essmann moved that the joint session be adjourned. Motion carried.

Rep. McGillvray moved that the House Republicans caucus. Without objection, so ordered.

House Recessed.

House Reconvened.

REPORTS OF STANDING COMMITTEES

EDUCATION (Reichner, Chairman):

2/4/2011

HB 288, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Following: "1-1-215,"

Insert: "20-5-321,"

2. Page 1, line 29.

Strike: "may declare"

Insert: "has jurisdiction over"

3. Page 2, lines 1 through 3.

Strike: subsection (6) in its entirety

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

4. Page 2.

Following: line 5

Insert: "(6) Except as provided in Title 20, chapter 5, part 5, and this section, the residence of an unmarried minor who has a parent living cannot be changed by either the minor's own act or an act of the minor's guardian."

5. Page 2, line 7.

Insert: "**Section 2.** Section 20-5-321, MCA, is amended to read:

"20-5-321. Attendance with mandatory approval -- tuition and transportation. (1) An out-of-district attendance agreement that allows a child to enroll in and attend a school in a Montana school district that is outside of the child's district of residence or in a public school district of a state or province that is adjacent to the county of the child's residence is mandatory whenever:

(a) the child resides closer to the school that the child wishes to attend and more than 3 miles from the school the child would attend in the resident district and the resident district does not provide transportation;

(b) (i) the child resides in a location where, because of geographic conditions between the child's home and the school that the child would attend within the district of residence, it is impractical to attend school in the district of residence, as determined by the county transportation committee based on the following criteria:

(A) the length of time that is in excess of the 1-hour limit for each bus trip for an elementary child as authorized under 20-10-121;

(B) whether distance traveled is greater than 40 miles one way from the child's home to school on a dirt road or greater than a total of 60 miles one way from the child's home to school in the district of residence over the shortest passable route; or

(C) whether the condition of the road or existence of a geographic barrier, such as a river or mountain pass, causes a hazard that prohibits safe travel between the home and school.

(ii) The decision of the county transportation committee is subject to appeal to the superintendent of public instruction, as provided in 20-3-107, but the decision must be considered as final for the purpose of the payment of tuition under 20-5-324(5)(a)(ii) until a decision is issued by the superintendent of public instruction. The superintendent of public instruction may review and rule upon a decision of the county transportation committee without an appeal being filed.

(c) the child is a member of a family that is required to send another child outside of the elementary district to attend high school and the child of elementary age may more conveniently attend an elementary school where the high school is located, provided that the child resides more than 3 miles from an elementary school in the resident district or that the parent is required to move to the elementary district where the high school is located to enroll another child in high school. A child enrolled in an elementary school pursuant to this subsection (1)(c) may continue to attend the elementary school after the other child has left the high school.

(d) the child is under the protective care of a state agency or has been adjudicated to be a youth in need of intervention or a delinquent youth, as defined in 41-5-103; or

(e) the child is required to attend school outside of the district of residence as the result of a placement in foster care or a group home licensed by the state; or

~~(f) the child is residing with a caretaker relative who wants to enroll the child pursuant to~~

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

~~20-5-502.~~

(2) (a) Whenever a parent or guardian of a child, an agency of the state, or a court wishes to have a child attend a school under the provisions of this section, the parent or guardian, agency, or court shall complete an out-of-district attendance agreement in consultation with an appropriate official of the district that the child will attend.

(b) The attendance agreement must set forth the financial obligations, if any, for costs incurred for tuition and transportation as provided in 20-5-323 and Title 20, chapter 10.

(c) (i) The trustees of the district of choice may waive any or all of the tuition rate. The trustees of the district of choice may waive the tuition for all students whose tuition is required to be paid by one type of entity and may charge tuition for all students whose tuition is required to be paid by another type of entity. However, any waiver of tuition must be applied equally to all students whose tuition is paid by the same type of entity.

(ii) As used in this subsection (2)(c), "entity" means a parent, a guardian, the trustees of the district of residence, or a state agency.

(3) Except as provided in subsection (4), the trustees of the resident district and the trustees of the district of attendance shall approve the out-of-district attendance agreement. The trustees of the district of attendance shall:

(a) notify the county superintendent of schools of the county of the child's residence of the approval of the agreement within 10 days; and

(b) submit the agreement for a student attending under the provisions of subsection (1)(d) or (1)(e) to the superintendent of public instruction for approval for payment under 20-5-324.

(4) Unless the child is a child with a disability who resides in the district, the trustees of the district where the school to be attended is located may disapprove an out-of-district attendance agreement whenever they find that, because of insufficient room and overcrowding, the accreditation of the school would be adversely affected by the acceptance of the child.""

Renumber: subsequent sections

6. Page 2, line 15.

Following: "after"

Insert: "the parents"

7. Page 2, line 16.

Strike: "leaving"

Insert: "leave"

8. Page 2, line 17.

Following: "unable"

Insert: "or unwilling"

9. Page 2, line 26.

Strike: "Except for a child with an individualized education program, if"

Insert: "If"

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

10. Page 2, line 28.

Following: "enrollment."

Insert: "Decisions involving enrollment of a child with an individualized education program plan must be made in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. 1411 through 1420, and its implementing regulations at 34 CFR, part 300, and the applicable provisions of Title 20, chapter 7, part 4."

And, as amended, do pass. Report adopted.

HB 327, introduced bill, be amended as follows:

1. Title, page 1, line 10 through line 11.

Following: "DISTRICTS;"

Strike: "ELIMINATING" on line 10 through "BALLOTS;" on line 11

2. Title, page 1, line 12.

Strike: "20-9-426, 20-9-427,"

3. Page 2, line 9.

Following: "1-6-101"

Insert: "or 2-16-116"

4. Page 5, line 4 through page 6, line 15.

Strike: sections 6 and 7 in their entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Howard, Chairman):

2/4/2011

HB 161, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/5/2011

SB 189, introduced by Keane

SB 117, introduced by Hinkle

SB 132, introduced by Essmann

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 7, introduced by Keane, referred to Federal Relations, Energy, and Telecommunications.

SB 62, introduced by Jones (by request of the Public Service Commission), referred to Federal

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

Relations, Energy, and Telecommunications.

SB 65, introduced by Jackson (by request of the Energy and Telecommunications Interim Committee), referred to Federal Relations, Energy, and Telecommunications.

SB 76, introduced by Jent (by request of the Department of Public Health and Human Services), referred to Judiciary.

SB 103, introduced by Jackson, referred to Natural Resources.

SB 104, introduced by Priest, referred to Federal Relations, Energy, and Telecommunications.

SB 128, introduced by Lake, referred to Local Government.

SB 165, introduced by Balyeat, Olson, Steinbeisser, Windy Boy, Hutton, Brenden, Keane, C. Smith, Vance, Berry, Jackson, Wittich, Hinkle, Stewart-Peregoy, Arthun, Moore, Shockley, Buttrey, Gibson, Essmann, Jones, referred to Business and Labor.

SB 203, introduced by Zinke, Ripley, Buttrey, Moore, Hutton, Blewett, referred to Business and Labor.

The following House bills were introduced, read first time, and referred to committees:

HB 430, introduced by Loney, Wittich, O'Hara, Wilmer, Price, Kary, Harris, Skattum, referred to Local Government.

HB 431, introduced by Regier, Blasdel, Taylor, C. Smith, Sands, referred to State Administration.

HB 432, introduced by Berry, referred to Business and Labor.

HB 433, introduced by G. Bennett, Miller, Reichner, Connell, Jackson, Howard, Cuffe, Blasdel, Loney, referred to Natural Resources.

HB 434, introduced by Fitzpatrick, Shockley, referred to Natural Resources.

HB 435, introduced by Skees, Hale, Vance, Kerns, Edmunds, Hendrick, Randall, Burnett, Rosendale, Osmundson, Jackson, Blasdel, More, referred to Judiciary.

HB 436, introduced by Fitzpatrick, referred to Judiciary.

HB 437, introduced by Price, Court, Furey, Noonan, Phillips, Wilmer, Schmidt, Hands, Loney, Di. Barrett, Sands, Driscoll, Swanson, O'Hara, McNally, B. Bennett, Boland, referred to Human Services.

HB 438, introduced by McGillvray, Hutton, C. Smith, Taylor, Howard, G. Bennett, Warburton, Regier, Arntzen, referred to Judiciary.

HB 439, introduced by Hollenbaugh, Phillips, Hollandsworth, Menahan, Gallus, Larsen, Hunter, Hiner, C. Williams, Furey, Olson, Mehlhoff, Sesso, Gillan, Ankney, Noonan, Schmidt, Tropila, Arntzen, Driscoll, Boland, MacDonald, McChesney, Belcourt, Sands, Gibson, Hill, Price, Keane, F. Smith, Howard, Swanson, Wagner, McNally, Lewis, Caferro, Wilmer, Branae, K. Williams, Hamlett, Pease-Lopez, Malek, B. Bennett, Blasdel, Reinhart, Welborn, Salomon, Cuffe, Van Dyk, Fitzpatrick, Stewart-Peregoy, Augare, Miller, Squires, Windy Boy, Jent, Erickson, Kaufmann, Hands, Stahl, Brodehl, Reichner, Hoven, Blewett, Vuckovich, Hansen, Di. Barrett, O'Hara, McClafferty, Wanzenried, Moss, McNutt, Facey, Court, referred to Appropriations.

HB 440, introduced by Salomon, Stahl, Taylor, C. Smith, Blasdel, Ankney, McNiven, Kary, Knox, referred to Business and Labor.

HB 441, introduced by Fitzpatrick, Howard, Blasdel, referred to Business and Labor.

HB 442, introduced by Phillips, referred to Judiciary.

HB 443, introduced by Burnett, C. Smith, More, Wittich, Randall, Skees, Miller, Edmunds, Harris,

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

Walker, referred to Agriculture.

HB 444, introduced by Burnett, Greef, Walker, Wittich, Miller, Randall, Cuffe, C. Smith, Hollandsworth, O'Neil, Kerns, O'Hara, Blasdel, More, Arntzen, Skees, Connell, Ehli, Reichner, Edmunds, Harris, Kary, Salomon, Regier, Osmundson, Gibson, referred to State Administration. The following House joint resolution was introduced, read first time, and referred to committee:

HJR 11, introduced by Phillips, referred to Natural Resources.

Representative Miller point of personal privilege announcing that Representative Knudsen was at the hospital for the birth of his child.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Schmidt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 279 - Representative F. Smith moved **HB 279** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Knudsen.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

HB 297 - Representative Berry moved **HB 297** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 97

Nays: Wagner.

Total 1

Excused: Knudsen.

Total 1

Absent or not voting: Mr. Speaker.

Total 1

HB 255 - Representative Wilmer moved **HB 255** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Edmunds, Kerns, More.

Total 3

Excused: Knudsen.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

HB 256 - Representative Wilmer moved **HB 256** do pass.

HB 256 - Representative Wilmer moved **HB 256**, second reading copy, be amended as follows:

1. Page 1, line 24.

Strike: "a" through "93,"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Knudsen.

Total 1

Absent or not voting: None.

Total 0

HB 256 - Representative Wilmer moved **HB 256**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

Nays: None.

Total 0

Excused: Knudsen.

Total 1

Absent or not voting: None.

Total 0

HB 143 - Representative Stahl moved **HB 143** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 78

Nays: Barrett, B. Bennett, Boland, Clark, Cook, Court, Driscoll, Fitzpatrick, Hands, Hill, MacDonald, Malek, McClafferty, McNally, Phillips, Reinhart, Schmidt, Taylor, Williams, Wilmer, Yates.

Total 21

Excused: Knudsen.

Total 1

Absent or not voting: None.

Total 0

HB 219 - Representative McGillvray moved **HB 219** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff,

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 33

Excused: Knudsen.
Total 1

Absent or not voting: None.
Total 0

HB 30 - Representative C. Smith moved **HB 30** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.
Total 70

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.
Total 29

Excused: Knudsen.
Total 1

Absent or not voting: None.
Total 0

HB 153 - Representative C. Smith moved **HB 153** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 65

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: Knudsen.

Total 1

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Schmidt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 81

Nays: B. Bennett, Boland, Court, Hands, Hill, Malek, McNally, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson.

Total 18

Excused: Knudsen.

Total 1

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 198 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hands,

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, O'Hara, Osmundson, Peterson, Phillips, Price, Read, Regier, Reichner, Roberts, Salomon, Schmidt, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Wilmer, Mr. Speaker.
Total 69

Nays: Barrett, B. Bennett, Blasdel, Clark, Court, Edmunds, Flynn, Furey, Hale, Hansen, Hill, Kerns, MacDonald, Malek, McClafferty, Miller, More, Noonan, O'Neil, Pease-Lopez, Randall, Reinhart, Rosendale, Sands, Sesso, Skees, Wagner, Welborn, Williams, Yates.
Total 30

Excused: Knudsen.
Total 1

Absent or not voting: None.
Total 0

HB 261 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.
Total 94

Nays: Belcourt, Court, Malek, Mehlhoff, Williams.
Total 5

Excused: Knudsen.
Total 1

Absent or not voting: None.
Total 0

HB 319 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner,

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Evans, Hale, Kennedy, Kerns, O'Neil, Read, Wagner.

Total 7

Excused: Knudsen.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Representative Kennedy moved to change his vote on **HB 198** from Yes to No. Multiple objections, not ordered.

Representative Kennedy moved to reconsider the action taken on **HB 292** on the twenty ninth legislative day.

Representative Sesso rose on a point of clarification about the status of the bill after passing third reading. Speaker Milburn clarified that it was in the possession of the House with the concurrence of the Senate.

Motion on **HB 292** passed:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2011

Excused: Knudsen.

Total 1

Absent or not voting: None.

Total 0

Representative McGillvray moved **HB 143** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 153** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative O'Hara rose on a point of personal privilege to congratulate Representative Sesso on the Packers winning the Super Bowl.

Speaker Milburn addressed the status of bills in regard to transmittal deadlines.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Tuesday, February 8, 2011. Motion carried.

House adjourned at 3:21 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
THIRTY-FIRST LEGISLATIVE DAY**

Helena, Montana
February 8, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Skees. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman):

2/8/2011

Correctly printed: **HB 334, HB 360, HB 365, HB 374.**

Correctly engrossed: **HB 82, HB 184, HB 186, HB 213, HB 218, HB 239, HB 243, HB 251, HB 277.**

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman):

2/8/2011

HB 186, introduced bill, be amended as follows:

1. Page 2, line 13.

Strike: "3.5%"

Insert: "3.25%"

2. Page 2, line 18.

Strike: "3.5%"

Insert: "3.25%"

3. Page 3, line 23.

Strike: "3.5%"

Insert: "3.25%"

4. Page 3, line 24.

Strike: "3.5%"

Insert: "3.25%"

5. Page 4, line 21.

Strike: "3.5%"

Insert: "3.25%"

6. Page 5, line 18.

Strike: "0.5%"

Insert: "0.25%"

7. Page 5, line 20.

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

Strike: "0.5%"

Insert: "0.25%"

8. Page 5, line 22.

Strike: "0.5%"

Insert: "0.25%"

9. Page 6, line 1.

Insert: "COORDINATION SECTION. Section 4. Coordination instruction. If House Bill No. 334 is not passed and approved, then [this act] is void."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 334, do pass. Report adopted.

HUMAN SERVICES (Howard, Chairman):

2/7/2011

HB 82, introduced bill, be amended as follows:

1. Page 2, line 15.

Strike: "subject to"

Insert: "against whom the board takes"

2. Page 5, following line 5.

Insert: "NEW SECTION. Section 4. Coordination instruction. If House Bill No. 161 is passed and approved, then [this act] is void."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 184, introduced bill, be amended as follows:

1. Page 1, line 20.

Strike: "equal to 7% of"

Insert: "based on"

2. Page 1, line 21.

Following: "members"

Insert: "according to the following schedule:

- (i) 2.33% in tax year 2011;
- (ii) 4.66% in tax year 2012; and
- (iii) 7% in subsequent tax years"

3. Page 1, line 28.

Following: "payments"

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

Insert: "for individual coverage"

4. Page 2.

Following: "line 7"

Insert: "(4) For the purposes of subsection (3), "insurance premium payments for individual coverage" means payments made solely by the claimant for health insurance coverage for the claimant and the claimant's qualifying family members for individual policies that are not a part of any group or blanket policy."

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 239, introduced bill, be amended as follows:

1. Page 3, line 3.

Following: "clinical trial"

Insert: "that is recognized by the national institutes of health or another applicable governmental body"

And, as amended, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

2/8/2011

HB 360, do pass. Report adopted.

HB 365, do pass. Report adopted.

HB 374, do pass. Report adopted.

TRANSPORTATION (Vance, Chairman):

2/7/2011

HB 213, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "PERSONS;"

Insert: "CREATING A LOW-SPEED RESTRICTED DRIVER'S LICENSE;"

Following: "VEHICLE"

Insert: "AND "GOLF CART"

2. Title, page 1, line 6 through line 7.

Strike: "PROVIDING" on line 6 through "VEHICLE;" on line 7

Insert: "PROVIDING FOR THE REGISTRATION OF A LOW-SPEED ELECTRIC VEHICLE AND A GOLF CART OPERATED BY A PERSON WITH A LOW-SPEED RESTRICTED DRIVER'S LICENSE;"

3. Title, page 1, line 9.

Strike: "61-1-101,61-3-562,"

Insert: "10-3-1307, 23-1-105, 61-1-101, 61-3-201, 61-3-301, 61-3-312, 61-3-321, 61-3-332,"

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

4. Page 1, line 14 through line 20.

Strike: section 1 in its entirety

Insert: "NEW SECTION. **Section 1. Low-speed electric vehicle -- golf cart operated by person with low-speed restricted driver's license -- operating requirements.** (1) A low-speed electric vehicle may be operated only by a person with a low-speed restricted driver's license.

(2) A low-speed electric vehicle or golf cart operated by a person with a low-speed restricted driver's license may be operated only on a highway for which the posted speed limit does not exceed 25 miles per hour.

(3) A low-speed electric vehicle or golf cart operated by a person with a low-speed restricted driver's license may not cross a highway with a posted speed limit of greater than 45 miles per hour.

(4) Except as provided in subsections (1) through (3), the provisions of this chapter apply to a low-speed electric vehicle or golf cart operated by a person with a low-speed restricted driver's license."

Insert: "NEW SECTION. **Section 2. Low-speed restricted driver's license.** (1) The department may issue a low-speed restricted driver's license to a person who is physically or otherwise impaired in a manner and degree that prevent the person from safely operating a motor vehicle across the range of speeds permitted or required on a public highway.

(2) (a) To qualify for a low-speed restricted driver's license, an applicant shall submit to the department a medical evaluation or statement from a treating physician that attests to the person's impairment and resulting inability to safely operate a motor vehicle across the range of speeds permitted or required on a public highway.

(b) The applicant must be otherwise qualified for a driver's license under this chapter and shall apply for a driver's license under 61-5-107, pay the fees required in 61-5-111, and pass the vision test, the knowledge test, and the road test required under 61-5-110. The road test must be modified to conform to the operational limitations of the vehicle.

(3) The department may issue a low-speed restricted instruction permit, valid for 30 days from the date of issuance, to a person who qualifies for a low-speed restricted driver's license under this section and who passes the vision test and knowledge test required in 61-5-110. A permitholder may operate a low-speed electric vehicle or golf cart pursuant to [section 1] while in the immediate possession of the permit and accompanied by a licensed driver seated beside the permitholder."

Insert: "Section 3. Section 10-3-1307, MCA, is amended to read:

"10-3-1307. Responsibilities of department of transportation -- assessment and collection of fees -- issuance of permits -- inspection of motor carriers. (1) After receiving notification from the person or entity that plans to ship high-level radioactive waste or transuranic waste through the state, the department of transportation shall assess fees according to the following schedule:

(a) a fee of \$2,500 must be assessed for each cask designed for transport by truck; and

(b) a fee of \$4,500 must be assessed for the first cask designed for transport by rail and a fee of \$3,000 for each additional cask designed for transport by rail that is shipped by the same person or entity in the same shipment.

(2) Payment of the fees provided in subsection (1) is the responsibility of the person or entity who owns the waste.

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

(3) Upon receipt of the fees provided in subsection (1), the department of transportation shall issue to the owner of the waste a permit that must be carried with the waste as it is traveling through the state.

(4) The department of transportation shall deposit all of the fees collected under this section in the radioactive waste transportation monitoring, emergency response, and training account created in 10-3-1304.

(5) If the waste is to be transported through the state by motor carrier, the department of transportation shall coordinate with the highway patrol on the inspection of the motor carrier by the motor carrier services division.

(6) This section does not exempt the operator of a motor carrier from any of the provisions of Title 61, chapter 10, from Title 69, chapter 12, or from any other law that applies to the operation of motor vehicles in Montana.

(7) Fees under this section must be assessed regardless of ownership, and ~~61-3-321(13)~~ 61-3-321(14) and 61-10-127 do not apply."

Insert: "Section 4. Section 23-1-105, MCA, is amended to read:

"23-1-105. Fees and charges. (1) The department may levy and collect reasonable fees or other charges for the use of privileges and conveniences that may be provided and to grant concessions that it considers advisable, except as provided in subsections (2) and (6). All money derived from the activities of the department, except as provided in subsection (5), must be deposited in the state treasury in a state special revenue fund to the credit of the department.

(2) Overnight camping fees established by the department under subsection (1) must be discounted 50% for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and either 62 years of age or older or certified as disabled in accordance with rules adopted by the department.

(3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle at the time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is discovered by an authorized officer. A defense that the vehicle was driven into the fee area by another person is not allowable unless it is shown that at that time, the vehicle was being used without the consent of the registered owner.

(4) Money received from the collection of fees and charges is subject to the deposit requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant to 17-6-105(8).

(5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of managing state park visitor services revenue. The fund is to be used by the department to serve the recreating public by providing for the obtaining of inventory through purchase, production, or donation and for the sale of educational, commemorative, and interpretive merchandise and other related goods and services at department sites and facilities. The fund consists of money from the sale of educational, commemorative, and interpretive merchandise and other related goods and services and from donations. Gross revenue from the sale of educational, commemorative, and interpretive merchandise and other related goods and services must be deposited in the fund. All interest and earnings on money deposited in the fund must be credited to the fund for use as provided in this subsection.

(6) In recognition of the fact that individuals support state parks through the payment of certain motor vehicle registration fees, persons who pay the fee provided for in ~~61-3-321(18)(a)~~ 61-3-321(19)(a) may not be required to pay a day-use fee for access to state parks. Other fees for the

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

use of state parks and fishing access sites, such as overnight camping fees, are still chargeable and may be collected by the department.""

Renumber: subsequent sections

5. Page 5, line 25.

Following: line 25

Insert: "(22) (a) "Golf cart" means a motor vehicle that is designed for use on a golf course to carry a person or persons and golf equipment and that has an average speed of less than 15 miles per hour.

(b) Except as provided in 61-3-201, a golf cart is exempt from titling, registration, and mandatory liability insurance requirements under this title."

Renumber: subsequent subsections

6. Page 6, line 11.

Strike: "(a)"

7. Page 6, line 13.

Strike: "(i)"

Insert: "(a)"

Renumber: subsequent subsections

8. Page 6, line 14.

Following: "of"

Insert: "at least 20 miles an hour and no greater than"

9. Page 6, line 23 through line 24.

Strike: subsection (b) in its entirety

Insert: "(30) "Low-speed restricted driver's license" means a license or permit limited to the operation of a low-speed electric vehicle or a golf cart issued under or granted by the laws of this state, including:

(a) a temporary license or instruction permit;

(b) the privilege of a person to drive a low-speed electric vehicle or golf cart under the authority of [section 2], whether or not the person holds a valid driver's license; and

(c) a nonresident's similarly restricted driving privilege."

Renumber: subsequent subsections

10. Page 9, line 7.

Strike: "and"

11. Page 9, line 8.

Following: "chapter 9"

Insert: "; and

(iii) a golf cart only if it is equipped for use on the highways as prescribed in chapter 9 and is operated by a person with a low-speed restricted driver's license"

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

12. Page 15, line 9 through page 16, line 10.

Strike: section 3 in its entirety

Insert: "Section 6. Section 61-3-201, MCA, is amended to read:

"61-3-201. Certificate of title required -- exclusions. (1) Except as provided in subsection (2), the owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is in this state and for which a certificate of title has not been issued by or an electronic record of title has not been created by the department shall apply to the department, its authorized agent, or a county treasurer for a certificate of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

(2) The following motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles are exempt from the requirements of this part:

(a) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by the United States, unless the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile is registered in this state;

(b) except as required in 61-4-111, a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is:

(i) owned by a manufacturer, a dealer, a wholesaler, or an auto auction; and

(ii) held for sale, even though incidentally moved on the highway, used for purposes of testing or demonstration, or used solely by a manufacturer for testing;

(c) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by a nonresident of this state;

(d) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile regularly engaged in the interstate transportation of persons or property and:

(i) for which a currently effective certificate of title has been issued in another state or jurisdiction; or

(ii) that is properly registered under the provisions of Title 61, chapter 3, part 7;

(e) a vehicle moved solely by human or animal power;

(f) an implement of husbandry;

(g) special mobile equipment or a motor vehicle or trailer designed and used to apply fertilizer to agricultural land;

(h) a self-propelled wheelchair or tricycle used by a person with a disability;

(i) a dolly or converter gear;

(j) a mobile home or housetrailer; ~~or~~

(k) a manufactured home declared to be an improvement to real property under 15-1-116;

or

(l) a golf cart unless it is operated by a person with a low-speed restricted driver's license."

Insert: "Section 7. Section 61-3-301, MCA, is amended to read:

"61-3-301. Registration -- license plate required -- display. (1) (a) Except as provided in 61-4-120, 61-4-129, and subsection (1)(b) of this section, a person may not operate a motor vehicle, trailer, semitrailer, pole trailer, or travel trailer upon the public highways of Montana unless the motor vehicle, trailer, semitrailer, pole trailer, or travel trailer is properly registered and has the proper license plates conspicuously displayed on the motor vehicle, trailer, semitrailer, pole trailer,

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

or travel trailer. A license plate must be securely fastened to prevent it from swinging and may not be obstructed from plain view.

(b) A motorcycle, quadricycle, trailer, semitrailer, pole trailer, or travel trailer must have a single license plate displayed on the rear of the vehicle. A custom vehicle or street rod registered under 61-3-320(1)(b) or (1)(c)(iii) may display a single license plate firmly attached to the rear exterior of the custom vehicle or street rod. All other motor vehicles must have one license plate displayed on the front and one license plate displayed on the rear of the motor vehicle.

(c) A person may not display on a motor vehicle, trailer, semitrailer, pole trailer, or travel trailer at the same time a number assigned to it under any motor vehicle law except as provided in this chapter.

(d) A low-speed electric vehicle or a golf cart operated by a person with a low-speed restricted driver's license must have special license plates, as provided in 61-3-332(9), displayed on the front and rear of the vehicle.

(2) A person may not purchase or display on a motor vehicle, trailer, semitrailer, pole trailer, or travel trailer a license plate bearing the number assigned to any county, as provided in 61-3-332, other than the county where the vehicle is domiciled or the county where the trailer, semitrailer, pole trailer, or travel trailer is domiciled at the time of application for registration.

(3) It is unlawful to:

(a) display license plates issued to one motor vehicle, trailer, semitrailer, pole trailer, or travel trailer on any other motor vehicle, trailer, semitrailer, pole trailer, or travel trailer unless legally transferred as provided by statute;

(b) repaint old license plates to resemble current license plates; or

(c) display a prior design of standard license plates including military, veteran, and amateur radio license plates, or any license plates that have been issued for 5 or more years after the replacement of the license plates is required under 61-3-332(3)(a), except as provided in 61-3-332(3)(c) and (3)(d), 61-3-448, or 61-3-468.

(4) For the purposes of this section, "conspicuously displayed" means that the required license plates are obviously visible and firmly attached to:

(a) the front bumper and the rear bumper of a motor vehicle equipped with front and rear bumpers, except for a custom vehicle or street rod as provided in subsection (1)(b); or

(b) a clearly visible location on the rear of a trailer, semitrailer, pole trailer, or travel trailer.""

Insert: "Section 8. Section 61-3-312, MCA, is amended to read:

"61-3-312. Renewal of registration -- exceptions -- grace period. (1) Except as provided in 61-3-313 and 61-3-721, the registration of a motor vehicle under this chapter must be renewed on or before the last day of the month of the motor vehicle's registration period following the expiration of the motor vehicle's registration.

(2) Except as provided in subsection (4), a person may renew a motor vehicle's registration by submitting full payment for the fees or taxes required under 61-3-303 and ~~61-3-321(12)~~ 61-3-321(13) to the department, an authorized agent, or a county treasurer in any county of this state.

(3) The department, an authorized agent, or a county treasurer may use the online motor vehicle liability insurance verification system provided in 61-6-157 to verify proof of compliance with 61-6-301.

(4) Beginning July 1, 2011, and except when the verification system is temporarily unavailable, a registration may not be renewed when compliance with 61-6-301 cannot be determined using the verification system.

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

(5) Except as provided in 61-3-315, the registration period originally assigned under 61-3-311 must be retained and the duration of the renewed registration is determined in accordance with 61-3-311. A registration receipt is valid for the registration period for which it is issued.

(6) The owner of a motor vehicle subject to registration renewal under the provisions of this section is considered to have renewed the motor vehicle's registration in a timely manner if the owner submits full payment for the required fees or taxes, as prescribed in the mail renewal notice from the department, to the department, an authorized agent, or a county treasurer on or before the last day of the month of the motor vehicle's registration period and if, beginning July 1, 2011, the department, authorized agent, or county treasurer determines the owner is in compliance with 61-6-301 using the verification system provided in 61-6-157.

(7) The department, an authorized agent, or a county treasurer may not renew the registration of a motor vehicle for which ownership has been transferred and that was originally registered without being titled under the provisions of 61-3-303(3)(b) unless:

(a) the previously issued certificate of title has been surrendered to the department, an authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or

(b) the person to whom ownership of the motor vehicle has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208."

Insert: "Section 9. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees. (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through ~~(19)~~(20):

(2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

- (a) if the vehicle is 4 or less years old, \$217;
- (b) if the vehicle is 5 through 10 years old, \$87; and
- (c) if the vehicle is 11 or more years old, \$28.

(3) Except as provided in subsection ~~(14)~~(15), the one-time registration fee based on the declared weight of a trailer, semitrailer, or pole trailer is as follows:

- (a) if the declared weight is less than 6,000 pounds, \$61.25; or
- (b) if the declared weight is 6,000 pounds or more, \$148.25.

(4) Except as provided in subsection ~~(14)~~(15), the one-time registration fee for motor vehicles owned and operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

- (a) 2,850 pounds and over, \$10; and
- (b) under 2,850 pounds, \$5.

(5) Except as provided in subsection ~~(14)~~(15), the one-time registration fee for off-highway vehicles other than a quadricycle or motorcycle is \$61.25.

(6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.

(7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

- (i) less than 2 years old, \$282.50;
 - (ii) 2 years old and less than 5 years old, \$224.25;
 - (iii) 5 years old and less than 8 years old, \$132.50; and
 - (iv) 8 years old and older, \$97.50.
- (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee under this section may permanently register the motor home upon payment of:
- (i) a one-time registration fee of \$237.50;
 - (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be deposited in the account established under 61-6-158; and
 - (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406.
- (8) (a) Except as provided in subsection ~~(14)~~(15), the one-time registration fee for motorcycles and quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is \$114.50.
- (b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.
- (9) Except as provided in subsection ~~(14)~~(15), the one-time registration fee for travel trailers, based on the length of the travel trailer, is as follows:
- (a) under 16 feet in length, \$72; and
 - (b) 16 feet in length or longer, \$152.
- (10) Except as provided in subsection ~~(14)~~(15), the one-time registration fee for a motorboat, sailboat, personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:
- (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, \$65.50;
 - (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, \$125.50; and
 - (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.
- (11) (a) Except as provided in subsections (11)(b) and ~~(14)~~(15), the one-time registration fee for a snowmobile is \$60.50.
- (b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose of daily rental to customers is assessed:
- (A) a fee of \$40.50 in the first year of registration; and
 - (B) if the business reregisters the snowmobile for a second year, a fee of \$20.
- (ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently registered and the business is assessed the registration fee imposed in subsection (11)(a).
- (12) (a) The one-time registration fee for a low-speed electric vehicle is \$53.25.
- (b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a low-speed restricted driver's license is \$53.25.
- ~~(12)~~(13) (a) Except as provided in subsection ~~(12)~~(b) ~~(13)~~(b), a fee of \$10 must be collected when a new set of standard license plates, a new single standard license plate, or a replacement set of special license plates required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the plates are

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

transferred is not currently registered.

(b) Until January 1, 2015, an additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate number from license plates issued on or after January 1, 2006, but before January 1, 2010, when replacement of those plates is required under 61-3-332(3).

(c) The fees imposed in this subsection ~~(12)~~(13) must be deposited in the account established under 61-6-158, except that \$2 of the fee imposed in subsection ~~(12)(a)~~ (13)(a) must be deposited in the state general fund.

~~(13)~~(14) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(c), (1)(d), (1)(e), (1)(f), (1)(g), (1)(i), (1)(j), (1)(l), or (1)(m), 15-6-203, or 15-6-215, except as provided in 61-3-520.

~~(14)~~(15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle, quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile, or motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under this section.

~~(15)~~(16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

~~(16)~~(17) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

~~(17)~~(18) The fees imposed by subsections (2) through ~~(14)~~(12) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

~~(18)~~(19) (a) Unless a person exercises the option in subsection ~~(18)(b)~~ (19)(b), an additional fee of \$4 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$4 fee, the department of fish, wildlife, and parks shall use \$3.50 for state parks, 25 cents for fishing access sites, and 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional \$4 fee provided for in subsection ~~(18)(a)~~ (19)(a). If a written election is made, the fee may not be collected.

~~(19)~~(20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle, quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be collected and forwarded to the state for deposit in the account established in 44-1-504.

~~(20)~~(21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721."

"Section 10. Section 61-3-332, MCA, is amended to read:

"61-3-332. Standard license plates. (1) In addition to special license plates, collegiate license plates, generic specialty license plates, and fleet license plates authorized under this

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

chapter, a separate series of standard license plates must be issued for motor vehicles, quadricycles, travel trailers, trailers, semitrailers, and pole trailers registered in this state or offered for sale by a vehicle dealer licensed in this state. Standard license plates issued to licensed vehicle dealers must be readily distinguishable from license plates issued to vehicles owned by other persons.

(2) (a) Except as provided in 61-3-479 and subsections (2)(b), (3)(b), and (3)(c) of this section, all standard license plates for motor vehicles, trailers, semitrailers, or pole trailers must bear a distinctive marking, as determined by the department, and be furnished by the department. In years when standard license plates are not reissued for a vehicle, the department shall provide a registration decal that must be affixed to the rear license plate of the vehicle.

(b) For light vehicles that are permanently registered as provided in 61-3-562 and motor vehicles described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration decal indicating that the motor vehicle is permanently registered. The registration decal must be affixed to the rear license plate of the permanently registered motor vehicle.

(c) For a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer that is permanently registered as provided in 61-3-313(2), the department may use the word or an abbreviation for the word "permanent" on the plate in lieu of issuing a registration decal for the plate.

(3) (a) (i) Beginning January 1, 2010, and every 5 years after that date, the department shall design standard license plates to replace previously issued standard license plates. For the purposes of this subsection (3), all military, veteran, and amateur radio license plates and any license plate with a wheelchair design, excluding collegiate or generic specialty plates with a wheelchair design, are treated as standard license plates.

(ii) License plates issued on or after January 1, 2010, must be replaced with the most recent design of standard license plates or a new replacement collegiate or generic specialty license plate if, upon renewal of registration under ~~61-3-332~~ this section, the license plates are 5 or more years old or will become older than 5 years during the registration period.

(iii) License plates issued on or before January 1, 2010, must be replaced with the most recent design of standard license plates or a new replacement collegiate or generic specialty license plate in accordance with the implementation schedule adopted by the department under 61-3-315. Until January 1, 2015, and upon payment of the fee required in ~~61-3-321(12)(b)~~ 61-3-321(13)(b), a vehicle owner may elect to keep the same license plate number from license plates issued on or after January 1, 2006, but before January 1, 2010, when replacement of those plates is required under this subsection.

(b) A motor vehicle that is registered for a 13-month to a 24-month period, as provided in 61-3-311, may display the license plate and plate design in effect at the time of registration for the entire registration period.

(c) A light vehicle described in subsection (2)(b) or a motor home that is permanently registered may display the license plate and plate design in effect at the time of registration for the entire period that the light vehicle or motor home is permanently registered.

(d) The provisions of this subsection (3) do not apply to a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer.

(e) The requirements of this subsection (3) apply to collegiate license plates authorized under 61-3-461 through 61-3-468, generic specialty license plates authorized under 61-3-472 through 61-3-481, commemorative centennial license plates authorized under 61-3-448, and

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

special military or veteran license plates authorized under 61-3-458.

(4) For trailers and motor vehicles, other than motorcycles and quadricycles, plates must be of metal 6 inches wide and 12 inches in length. Except for generic specialty license plates, the outline of the state of Montana must be used as a distinctive border on all license plates, and the word "Montana" must be placed on each license plate. All license plates must be treated with a reflectorized background material according to specifications prescribed by the department.

(5) The distinctive registration numbers for standard license plates must begin with a number one or with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. Except for special license plates, collegiate license plates, generic specialty license plates, and fleet license plates, the distinctive registration number or letter-number combination assigned to the motor vehicle must appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal baseline. The county number must be separated from the distinctive registration number by a separation mark unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by the department, and all county and registration numbers must be of equal height.

(6) For the use of exempt motor vehicles, trailers, semitrailers, or pole trailers and motor vehicles, trailers, semitrailers, or pole trailers that are exempt from the registration fee as provided in 61-3-321, in addition to the markings provided in this section, standard license plates must bear the following distinctive markings:

(a) For motor vehicles, trailers, semitrailers, or pole trailers owned by the state, the department may designate the prefix number for the various state departments. All numbered plates issued to state departments must bear the words "State Owned", and a year number may not be indicated on the plates because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For motor vehicles, trailers, semitrailers, or pole trailers that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty and for motor vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the standard license plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles, trailers, semitrailers, or pole trailers of each of the counties in the state and those of the municipalities and special districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these standard license plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the license plates requires it and a year number may not be displayed on the plates.

(7) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56.

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

Any new counties must be assigned numbers by the department as they are formed, beginning with the number 57.

(8) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be a separate series of plates, numbered as provided in subsection (5), except that the county number must be replaced by a design that distinguishes each separate plate series. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as govern the issuance of standard license plates, must be placed or mounted on a motor vehicle, trailer, semitrailer, or pole trailer owned by the person who is eligible to receive them, with the registration decal affixed to the rear license plate of the motor vehicle, trailer, semitrailer, or pole trailer, and must be removed upon sale or other disposition of the motor vehicle, trailer, semitrailer, or pole trailer.

(9) (a) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may and a low-speed electric vehicle or golf cart operated by a person with a low-speed restricted driver's license as provided in [section 2] must, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

(b) If the motor vehicle to which the license plate is attached is permanently registered, the owner of the motor vehicle shall provide, upon request of a person authorized to enforce special parking laws or ordinances in this or any state, evidence of continued eligibility to use the license plate in the form of a valid special parking permit issued to or renewed by the vehicle owner under 49-4-304 and 49-4-305.

(c) A person with a permanent condition, as provided in 49-4-301(2)(b), who has been issued a special license plate upon written application, as provided in this subsection (9), is not required to reapply upon reregistration of the motor vehicle.

(10) The provisions of this section do not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733."

Renumber: subsequent sections

13. Page 17, line 5.

Following: line 5

Insert: "(3) A low-speed restricted driver's license is not valid for the operation of a motor vehicle other than a low-speed electric vehicle or a golf cart."

Renumber: subsequent subsections

14. Page 18, line 14.

Following: "instruction."

Insert: "(1)"

15. Page 18, line 15.

Following: line 15

Insert: (2) [Section 2] is intended to be codified as an integral part of Title 61, chapter 5, part 1, and the provisions of Title 61, chapter 5, part 1, apply to [section 2].

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

16. Page 18, line 17.

Following: line 17

Insert: "NEW SECTION. Section 16. Grandfather clause. A low-speed electric vehicle or golf cart that meets the definitions provided in 61-1-101 and that was titled and registered under a one-time registration provision as a light vehicle or quadricycle prior to [the effective date of this act] is considered legally titled and registered if operated by a person with a low-speed restricted driver's license."

And, as amended, do pass. Report adopted.

HB 218, introduced bill, be amended as follows:

1. Page 1, line 11 through line 12.

Strike: "and" on line 11 through "tenets" on line 12

2. Page 1, line 13.

Strike: "subsection"

Insert: "subsections"

Following: "(2)"

Insert: "and (3)"

3. Page 1, line 15.

Strike: "or denomination"

4. Page 1, line 16.

Strike: "or denomination"

5. Page 1.

Following: line 17

Insert: "(3) The department may, in its discretion, upon the application of a religious denomination described in subsection (1), issue a certificate of self-insurance when the denomination demonstrates the ability to meet the minimum liability policy limits, as provided in 61-6-103, for member vehicles."

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

HB 243, introduced bill, be amended as follows:

1. Title, page 1, line 10.

Strike: "SECTION"

Insert: "SECTIONS 61-6-131 AND"

2. Page 1, line 14.

Insert: "**Section 1.** Section 61-6-131, MCA, is amended to read:

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

"61-6-131. When proof of financial responsibility required. (1) Whenever the department under any of the laws of this state revokes the license of any person, the license must remain revoked and may not be renewed and a license may not be issued to the person until permitted under the motor vehicle laws of this state and not then unless and until the person maintains proof of financial responsibility.

(2) When the department suspends a license or vehicle registration under 61-6-304, the license and registration must remain suspended and a license or registration may not be issued until permitted under the motor vehicle laws of this state and not then unless and until the person maintains proof of financial responsibility.

(2)(3) If a person is not licensed, but by the final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the revocation of a license, a license may not be issued to the person until the person gives and maintains proof of financial responsibility.

(3)(4) Whenever the department revokes a nonresident's operating privilege by reason of a conviction or forfeiture of bail, the privilege remains revoked unless the person has previously given or immediately gives and maintains proof of financial responsibility.""

Renumber: subsequent sections

3. Page 2, line 6.

Strike: "(a)"

4. Page 2, lines 13 through 18.

Strike: subsection (b) in its entirety

Insert: "(4) (a) When a vehicle registration or driver's license is suspended pursuant to this section, proof of compliance with 61-6-301 may be furnished as provided in 61-6-131 through 61-6-140 and 61-6-142."

5. Page 2, line 19.

Strike: "(c)"

Insert: "(b)"

Strike: "subsection (3)(b)"

Insert: "61-6-133"

6. Page 2, line 20.

Following: "10 days after"

Insert: "the insurer has filed"

7. Page 2, line 21.

Strike: "has been filed"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

HB 251, introduced bill, be amended as follows:

1. Page 1, line 11.

Strike: "definition"

Insert: "definitions"

2. Page 2, line 27 through line 28.

Strike: "operating" on line 27 through "61-10-125" on line 28

Insert: ", that is hauling or towing an implement of husbandry or construction equipment, and that is operating under this section or as authorized by special permit issued under 61-10-121 through 61-10-125 if the vehicle is operating at a speed not less than 10 miles per hour below the posted speed limit"

3. Page 2, line 29.

Following: "section,"

Strike: ""flag vehicle""

Insert: "the following definitions apply:

(a) "Construction equipment" means any vehicle, machine, or attachment designed or adapted for and used in construction, heavy construction, highway construction, and remodeling work. (b) "Flag vehicle"

And, as amended, do pass. Report adopted.

HB 277, introduced bill, be amended as follows:

1. Page 1, line 13.

Following: line 13

Insert: "(2) A person operating a golf cart under this section must have a valid driver's license."

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/7/2011

SB 3, introduced by Hawks

SB 34, introduced by Essmann

SB 43, introduced by Keane

SB 149, introduced by Essmann

SB 151, introduced by Brown

SB 153, introduced by Jent

SB 176, introduced by Hutton

SB 180, introduced by Sonju

SB 194, introduced by Brenden

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

Senate joint resolution passed and transmitted to the House for concurrence: 2/7/2011

SJR 8, introduced by Hawks

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 445, introduced by C. Smith, Priest, Jackson, Tutvedt, Arthun, Balyeat, Mowbray, Gibson, Shockley, Kary, Regier, Blasdel, Connell, Moore, Osmundson, Blyton, K. Peterson, McGillvray, Knox, Kerns, Skees, Ehli, Rosendale, Warburton, Ingraham, O'Hara, O'Neil, Hinkle, Wagner, Milburn, Flynn, Howard, Olson, Sonju, Zinke, G. Bennett, Hale, Stahl, Essmann, J. Peterson, referred to Human Services.

HB 446, introduced by Hill, referred to Judiciary.

HB 447, introduced by Harris, J. Peterson, Osmundson, Hoven, O'Hara, Schmidt, Loney, Mehlhoff, Price, referred to State Administration.

HB 448, introduced by Kerns, referred to Judiciary.

HB 449, introduced by Blasdel, referred to Fish, Wildlife and Parks.

HB 450, introduced by Knox, referred to Education.

HB 451, introduced by Knox, referred to Education.

HB 452, introduced by Knox, referred to Education.

HB 453, introduced by Knox, referred to Education.

HB 454, introduced by Connell, MacLaren, Skees, referred to Fish, Wildlife and Parks.

HB 455, introduced by O'Neil, Balyeat, Jackson, McChesney, Blasdel, Kerns, referred to Judiciary.

HB 456, introduced by C. Smith, Wittich, Hale, Essmann, McGillvray, Stahl, Blasdel, Howard, Milburn, Taylor, Loney, Warburton, Edmunds, G. Bennett, Skees, Cuffe, Harris, K. Peterson, More, Knox, Osmundson, Vance, Berry, Blyton, Ingraham, Wagner, Read, Kary, O'Hara, Randall, referred to Education.

HB 457, introduced by Noonan, Hunter, Wilmer, Price, McClafferty, Furey, K. Williams, Hands, Sands, Court, Reinhart, F. Smith, Boland, Pease-Lopez, Mehlhoff, Sesso, McNally, Schmidt, McChesney, Di. Barrett, MacDonald, Belcourt, B. Bennett, Hollenbaugh, Hiner, Hill, Malek, Driscoll, Squires, Swanson, referred to Judiciary.

HB 458, introduced by Welborn, Harris, Flynn, referred to Business and Labor.

HB 459, introduced by Blasdel, Zinke, MacLaren, referred to Local Government.

HB 460, introduced by K. Peterson, referred to Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 30 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen,

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 219 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 255 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Edmunds, Kerns.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 256 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

HB 279 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 297 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Wagner.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Skees in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 40 - Representative K. Peterson moved **HB 40** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.
Total 55

Nays: Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.
Total 45

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 315 - Representative MacDonald moved **HB 315** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 89

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

Nays: G. Bennett, Edmunds, Hale, Hendrick, Kennedy, Kerns, Knox, McNutt, O'Neil, Peterson, Skattum.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 356 - Representative Hiner moved **HB 356** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Esp, Hale, Kennedy, Kerns, Skattum.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 367 - Representative MacLaren moved **HB 367** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C.

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: Kerns, Knox, Small, Wagner.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 179 - Representative Knox moved consideration of **HB 179** be passed for the day. Motion carried.

HB 102 - Representative Menahan moved **HB 102** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: Belcourt, Hale.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 183 - Representative C. Smith moved **HB 183** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara,

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Cook, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 43 - Representative MacLaren moved **HB 43** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: Barrett, Belcourt, B. Bennett, Court, Ehli, Furey, Hands, Hill, Hoven, McClafferty, McNutt, Noonan, Pease-Lopez, Peterson, Phillips, Sesso, Squires.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 181 - Representative Arntzen moved **HB 181** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen,

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 87

Nays: Kennedy, Knox, Noonan, O'Neil, Osmundson, Price, Rosendale, Sesso, Skees, Swanson, Vance, Yates.

Total 12

Excused: None.

Total 0

Absent or not voting: O'Hara.

Total 1

HB 231 - Representative Brodehl moved **HB 231** do pass. Motion carried as follows:

Yeas: Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 60

Nays: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Klock, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 283 - Representative Bangerter moved **HB 283** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns,

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 300 - Representative Flynn moved **HB 300** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Skees moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Burnett,

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 78

Nays: Belcourt, B. Bennett, Boland, Hands, Hill, MacDonald, McClafferty, McNally, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Wilmer.

Total 19

Excused: None.

Total 0

Absent or not voting: Brodehl, Connell, Malek.

Total 3

MOTIONS

Representative Knox moved **HB 397** be moved from the Education committee to the Taxation committee.

Representative McGillvray moved **HB 183** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 283** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 452**
Motion carried.

HB 452 (Knox Chief Sponsor)

Representative Blasdel, Brodehl, Burnett, Edmunds, Kennedy, Kerns, McNiven, More, O'Neil, Osmundson, Randall, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 453**
Motion carried.

HB 453 (Knox Chief Sponsor)

Representative Beck, Blasdel, Brodehl, Burnett, Edmunds, Kennedy, Kerns, McNiven, More,

HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2011

O'Neil, Osmundson, Randall, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 310**
Motion carried.

HB 310 (Blyton Chief Sponsor)
Representative B. Bennett, Connell, Hands, Osmundson, Rosendale.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Wednesday, February 9, 2011. Motion carried.

House adjourned at 3:21 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
THIRTY-SECOND LEGISLATIVE DAY**

Helena, Montana
February 9, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Malek. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Evans, excused. Quorum present.

BILLS (O'Hara, Chairman): 2/9/2011

Correctly printed: **HB 263, HB 287, HB 335, HB 336, HB 339, HB 345, HB 348.**
Correctly engrossed: **HB 318.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman): 2/8/2011

HB 287, do pass. Report adopted.

HB 318, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "MOVEMENT"

Insert: "TRANSPLANTATION OR RELOCATION"

2. Page 1, line 12.

Strike: "Movement"

Insert: "Transplantation or relocation"

3. Page 1, line 14.

Strike: "movement"

Insert: "transplantation or relocation"

4. Page 1, line 15.

Strike: "moved"

Insert: "transplanted or relocated"

5. Page 2, line 8.

Following: "done"

Insert: "in consultation with the board of county commissioners of the affected county or counties and"

6. Page 3, line 1.

Strike: "movement"

Insert: "transplantation or relocation"

HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2011

7. Page 4, line 5.

Strike: "movement"

Insert: "transplantation or relocation"

And, as amended, do pass. Report adopted.

HB 345, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman):

2/8/2011

HB 335, do pass. Report adopted.

HB 336, do pass. Report adopted.

HB 339, do pass. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman):

2/8/2011

HB 263, do pass. Report adopted.

HB 348, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/8/2011

SB 172, introduced by Lake

SB 182, introduced by Van Dyk

SB 192, introduced by Erickson

SB 213, introduced by Vuckovich

SB 216, introduced by J. Peterson

SB 218, introduced by Steinbeisser

SB 238, introduced by Blewett

SB 256, introduced by Gillan

SB 204, introduced by Blewett, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

2/8/2011

Yeas - 40

Nays - 9

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 24, introduced by Shockley, referred to Judiciary.

SB 28, introduced by Kaufmann, referred to Human Services.

SB 51, introduced by Tropila, Stahl (by request of the Legislative Audit Committee), referred to Business and Labor.

HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2011

SB 52, introduced by Tropila, Brown (by request of the Legislative Audit Committee), referred to State Administration.

SB 75, introduced by Sonju (by request of the Department of Revenue), referred to Taxation.

SB 99, introduced by Brenden, referred to Fish, Wildlife and Parks.

SB 100, introduced by Shockley, referred to Natural Resources.

SB 106, introduced by Priest, referred to Judiciary.

SB 108, introduced by De. Barrett, referred to Local Government.

SB 115, introduced by Hinkle, De. Barrett, Brenden, Hamlett, Hendrick, Hutton, Ingraham, Jones, Kennedy, Kerns, Rosendale, C. Smith, Stahl, Steinbeisser, Wagner, Warburton, Wittich, Blasdel, Arthun, Osmundson, Skees, Sonju, referred to Fish, Wildlife and Parks.

SB 118, introduced by Jent, referred to Fish, Wildlife and Parks.

SB 120, introduced by Brenden, referred to State Administration.

SB 125, introduced by Wittich, Arntzen, Balyeat, Hendrick, McGillvray, Miller, C. Smith, Vincent, referred to Human Services.

SB 138, introduced by Jones, referred to State Administration.

SB 186, introduced by Steinbeisser, referred to Business and Labor.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 7, introduced by Brenden, Welborn, Ripley, Vincent, Brown, J. Peterson, Arthun, Tutvedt, Zinke, Hinkle, Wittich, Steinbeisser, Hamlett, Keane, Lewis, C. Smith, McNutt, De. Barrett, Moore, Olson, Jones, Knudsen, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 461, introduced by K. Williams, Phillips, referred to Business and Labor.

HB 462, introduced by More, referred to Business and Labor.

HB 463, introduced by Reichner, referred to Taxation.

HB 464, introduced by Blasdel, Milburn, referred to Business and Labor.

HB 465, introduced by K. Williams, Wilmer, Phillips, Hawks, Loney, Sesso, referred to Local Government.

HB 466, introduced by Osmundson, J. Peterson, C. Smith, Wittich, referred to Federal Relations, Energy, and Telecommunications.

HB 467, introduced by Brodehl, Hiner, Beck, Cook, Hollandsworth, Roberts, Osmundson, Cuffe, Hollenbaugh, Sesso, K. Williams, McChesney, O'Neil, Evans, Greef, Vance, Miller, Zinke, Berry, Kennedy, Gibson, Read, Walker, Lavin, referred to Taxation.

HB 468, introduced by Kerns, referred to Natural Resources.

HB 469, introduced by Clark, referred to Agriculture.

HB 470, introduced by Clark, referred to Agriculture.

HB 471, introduced by Kennedy, Skattum, G. Bennett, Read, Connell, Brodehl, O'Neil, Harris, Loney, K. Peterson, MacLaren, Yates, Ankney, referred to Agriculture.

HB 472, introduced by Hendrick, referred to Taxation.

HB 473, introduced by Hendrick, referred to Human Services.

HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2011

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 40 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 59

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Esp, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 40

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 43 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: Barrett, B. Bennett, Connell, Court, Furey, Hands, Hill, McClafferty, Noonan, Pease-Lopez, Phillips, Reinhart, Sesso, Squires, Swanson.

Total 15

Excused: Evans.

Total 1

HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2011

Absent or not voting: None.

Total 0

HB 102 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Hale.

Total 1

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 181 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Skattum, Small, C. Smith, F. Smith, Stahl, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 84

Nays: Belcourt, Hands, Kennedy, Knox, McNiven, O'Neil, Osmundson, Price, Rosendale, Sesso, Skees, Squires, Swanson, Vance, Yates.

Total 15

Excused: Evans.

Total 1

HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2011

Absent or not voting: None.

Total 0

HB 231 passed as follows:

Yeas: Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 58

Nays: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Klock, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 41

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 300 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2011

Absent or not voting: None.

Total 0

HB 315 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: G. Bennett, Blasdel, Edmunds, Flynn, Hale, Hendrick, Kennedy, Kerns, McNutt, O'Neil, Skattum.

Total 11

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 356 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Hale, Kennedy, Kerns, Skattum.

Total 4

Excused: Evans.

Total 1

HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2011

Absent or not voting: Hoven.

Total 1

HB 367 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Kerns, Knox, Small, Wagner.

Total 4

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Representative Wagner moved to change his vote on **HB 43** from No to Yes. Without objection, so ordered.

Representative Squires moved to change his vote on **HB 40** from Yes to No. Without objection, so ordered.

Representative Hendrick moved to change his vote on **HB 181** from No to Yes. Without objection, so ordered.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ankney in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2011

HB 273 - Representative Mehlhoff moved **HB 273** do pass.

HB 273 - Representative Vance moved **HB 273**, second reading copy, be amended as follows:

1. Page 1, line 11.

Strike: "not"

Strike: "at any time"

Insert: "only if the vehicle is registered and licensed under 61-3-301 and the operator possesses a license to drive the vehicle issued under Title 61, chapter 5.

(2)"

Renumber: subsequent subsections

2. Page 1, line 18.

Strike: "this section"

Insert: "subsection (2)"

3. Page 1, line 21.

Strike: "(3)(b)"

Insert: "(4)(b)"

4. Page 1, line 22.

Strike: "this section"

Insert: "subsection (2)"

5. Page 1, line 25.

Strike: "this section"

Insert: "subsection (2)"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2011

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 273 - Representative Mehlhoff moved **HB 273**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 34 - Representative Schmidt moved **HB 34** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 79

Nays: G. Bennett, Berry, Blasdel, Cuffe, Gibson, Hale, Kary, Kennedy, Kerns, Knox, Loney, McGillvray, More, Randall, Read, Roberts, Skattum, C. Smith, Vance, Wagner.

Total 20

HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2011

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 49 - Representative Hands moved **HB 49** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Burnett, Hale, Kary, Kennedy, Kerns, McGillvray, More, Skattum, Skees, C. Smith, Wagner.

Total 11

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 90 - Representative McNutt moved **HB 90** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 79

Nays: Burnett, Edmunds, Hale, Hansen, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, Miller, O'Neil, Randall, Skattum, Skees, C. Smith, Vance, Wagner, Yates.

Total 20

HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2011

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 384 - Representative Kerns moved **HB 384** do pass. Motion carried as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Mehlhoff, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 59

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Esp, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 40

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 309 - Representative Welborn moved **HB 309** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Cook, Cuffe, Ehli, Esp, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Warburton, Welborn, Mr. Speaker.

Total 55

Nays: Arntzen, Barrett, Belcourt, B. Bennett, Boland, Burnett, Connell, Court, Driscoll, Edmunds, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Squires, Swanson, Wagner, Washburn, Williams, Wilmer, Yates.

Total 44

HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2011

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 186 - Representative Hunter moved **HB 186** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Esp, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 61

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Cuffe, Edmunds, Ehli, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 38

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

Representative McNutt assumed the chair.

HB 334 - Representative Reichner moved **HB 334** do pass.

HB 334 - Representative McGillvray moved for cloture. Rep. Sesso objected.

HB 334 - Representative Reichner moved **HB 334** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 70

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, Hollenbaugh, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams.

Total 28

Excused: Evans.

Total 1

Absent or not voting: Greef.

Total 1

MOTIONS

Representative J. Peterson moved **HB 395** be moved from the Human Services committee to the Judiciary committee.

Representative McGillvray moved **HB 186** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2011

Representative McGillvray moved **HB 334** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative Fitzpatrick moved to change his vote on **HB 315** from No to Yes. Without objection, so ordered.

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 454**
Motion carried.

HB 454 (Connell Chief Sponsor)

Representative G. Bennett, Edmunds, Ehli, Gibson, Hale, Hollandsworth, Milburn, Regier, Rosendale, Salomon, C. Smith, Wagner, Washburn, Welborn.

SPECIAL ORDERS OF THE DAY

Rep. Knudsen was presented with a book for his newborn daughter by the House of Representatives.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Thursday, February 10, 2011. Motion carried.

House adjourned at 3:39 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
THIRTY-THIRD LEGISLATIVE DAY**

Helena, Montana
February 10, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Loney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman):

2/10/2011

Correctly printed: **HB 46, HB 86, HB 206, HB 237, HB 264, HB 265, HB 324, HB 354, HB 379, SB 23, SB 27, SB 63, SB 78.**

Correctly engrossed: **HB 28, HB 70, HB 83, HB 100, HB 295.**

Correctly enrolled: **HB 22.**

MOTIONS

Representative McGillvray moved that the House recess for the purpose of receiving an address by the Chief Justice of the Supreme Court from the State of Montana, Mike McGrath. Upon adjournment of the joint session, the House will reconvene. Motion carried.

Sgt-at-Arms Bean announced that the Honorable Senate of the State of Montana awaits outside the chamber. Speaker Milburn requested that Sgt-at-Arms Bean admit the Honorable Senate into the chamber.

Speaker Milburn introduced President Peterson and yielded the chair.

Senator Essmann moved that the body resolve itself into a joint session for the purpose of receiving the State of the Judiciary address by the Honorable Chief Justice of the Supreme Court, Mike McGrath. Motion carried.

Senator Essmann moved that the President be authorized to appoint a committee of four to notify the Honorable Chief Justice and Justices of the Supreme Court of the State of Montana that we are in joint session and ready to receive the State of the Judiciary address. Motion carried.

President Peterson appointed Senators Jent and Shockley and Representatives Fitzpatrick and Driscoll.

Sgt-at-Arms Clark announced that the Honorable Justices of the Supreme Court await entrance to the House Chamber. President Peterson requested that Sgt-at-Arms Clark admit the Honorable Justices.

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

President Peterson recognized the Honorable Justices of the Montana Supreme Court: Justice Patricia Cotter, Justice Beth Baker, Justice Brian Morris, Justice James A. Rice, Jr and Justice Mike Wheat; as well as, the Honorable Clerk of the Montana Supreme Court, Ed Smith.

President Peterson introduced the Honorable Chief Justice of the Supreme Court of the State of Montana, Mike McGrath.

Chief Justice McGrath made the following remarks:

Mr. Speaker, Mr. President, Members of the Court, Honored Guests, Members of this Joint Assembly:

Thank you for giving me this opportunity. It is indeed an honor to be here speaking on behalf of Montana's Judiciary.

It is very gracious of you, and appropriate I might add, to provide this opportunity to both the Executive and Judicial Branches of Montana's government.

In Montana, our courts process 1,000 cases each day , 365,000 per year. That, of course, includes all matters, including misdemeanors. But it adds up to one case for every three Montana residents.

At 1,000 cases per day, our courts are busy and, in our larger communities, the workload for court employees is very heavy.

Many people come to court because their lives are in crisis. They include victims of crime, and people charged with crimes, children suffering from child abuse, ranchers who can't irrigate because of a water dispute, businesses being wrongfully sued by disgruntled employees, workers injured on the job, neighbors fighting over disputed property boundaries, entrepreneurs challenging the government's interpretation of legislation and mothers seeking child support to buy diapers.

They come because they know they have rights. They know that there are laws that will protect them. They know they will get an answer to their problem.

And they know they will be treated fairly, by an independent judge--not a person beholden to money interests or partisanship or social status. Rather, a judge who will listen to their grievance and make a decision based on the merits of each individual case.

If you listen to the grievances being expressed by the demonstrators in the Middle East these past few weeks--what you hear--they want what we have. They want a right to be heard by their government. They want to be governed by the rule of law and not by fiat as determined by despotic rulers and autocratic administrations.

Our founders developed a system that has become the blueprint for political and economic success for the modern world.

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

In the words of historian Joseph Ellis, American success is: "about the triumph of representative government bottomed on the principle of popular sovereignty, a market economy fueled by the energies of our citizens, a secular state unaffiliated with any official religion, and the rule of law that presumes the equality of all."

What our founders knew was that if this republic they had created was going to succeed, it had to be based upon the rule of law, and that rule of law requires an independent and impartial manner of resolving disputes--be they commercial matters, family crises, criminal charges or removal of public officers. And as Ronald Reagan said: "our heritage of individual liberty is dependent on the rule of law."

And the system works!

Speaking to the Supreme Court in 1982, President Reagan, after noting that he occasionally disagreed with some of their decisions, stated:

"I know that the Supreme Court of the United States is the only group . . . in history that has exercised significant authority over such a long period of time without having need for battalions of fighting men to enforce their decisions It's a healthy reflection of the fact that the vast majority of our citizens respect and abide by the decisions of the judiciary as a matter of course."

Ted Olson served as the U.S. Solicitor General in a Republican Administration. His wife was killed on 9/11.

Some of you have heard me quote his remarks, written in The Wall Street Journal, before, but I think it is worth the repetition:

"Every day, thousands and thousands of judges--jurists whose names we never hear, from our highest court to our most local tribunal--resolve controversies, render justice, and help keep the peace by providing a safe, reliable, efficient and honest dispute resolution process. The pay is modest, the work is frequently quite challenging, and the outcome often controversial. For every winner in these cases, there is a loser. Many disputes are close calls, and the judge's decision is bound to be unpopular with someone.

But in this country we accept the decisions of judges, even when we disagree on the merits, because the process itself is vastly more important than any individual decision. Our courts are essential to an orderly, lawful society. And a robust and productive economy depends upon a consistent, predictable, evenhanded, and respected rule of law. . . . Americans understand that no system is perfect and no judge immune from error, but also that our society would crumble if we did not respect the judicial process."

The Judiciary in Montana understands that we have the responsibility described by the President and strive daily to ensure that we uphold these traditions.

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

Those 1,000 people per day that end up in our courts know that our Justice System is based on the rule of law and not individual whim. Our disputes are resolved within an orderly system that provides all parties the opportunity to be heard, and is based upon law.

In fact, our economy depends on this independent system. Investors and other businesses have the right to rely on an orderly and prompt dispute resolution process. They have the freedom to enter contracts and the ability to have those contracts enforced. They know that even in the most remote courthouse in Montana, they will get a fair hearing and a timely decision.

Furthermore, individual citizens have the rights enunciated in our Constitution and the ability to enforce those rights whether they are in Libby or Terry, Billings or Butte.

And all of us have the right to expect the courts to make those decisions based on the merits of each individual case--by judges independent of bias, prejudice or political influence.

As an independent third branch of government, our responsibilities are great but our needs are small.

Our budget is less than two percent of the general fund. Yet we recognize that with judicial independence comes the corresponding responsibility, to be accountable: Accountable to the people who elect us, and; Accountable to the Legislature, especially as to how we spend public funds.

In an effort to be more accountable, the Judicial Branch has undertaken a series of performance measures. At the Supreme Court, a number of new case processing measures have been implemented.

Last session, I told you that the Court is very much aware of concerns about backlogged cases. Significant improvements have been made—I can now tell you that our caseload is current. We have no cases over a year old and our average time to resolve a case is less than 100 days. And, because we are current, we were able to shift personnel from the Supreme Court to our most crowded District Courts in Gallatin and Cascade counties.

District Court performance standards are now being developed. Surveys of court users are completed and formulas have been adapted to accurately measure case loads and case timeliness. The efforts you made last session to add 3 District Court Judges in Yellowstone, Flathead and Lewis and Clark counties are just beginning to show improvement. The people in those communities and the Judicial Branch thank you for that assistance.

Also last session, we experienced significant budget reductions—including vacancy savings and across-the-board cuts. Plus, at the request of the executive branch, we reduced our appropriated budget by a significant amount. Our branch consists of 54 independently elected officials, 46 of whom are elected from their local community. As the vast majority of our budget consists of personnel costs, it is hard to find additional areas to cut.

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

We have done a good job of managing our resources; we have found the waste. Additional budget reductions will fall on the backs of the overworked local judiciary and inevitably result in delay and court backlogs. Of course the losers under that scenario are your constituents, especially small business and working people.

We have learned that backlogged courts are bad for business. We are trying hard to remedy that problem. However, we do have ways that the Judiciary can help with future budgets.

Drug courts and Treatment courts in general can and do save taxpayer dollars. And the last two sessions, Legislators had the foresight to fund a small portion of these programs.

Not long ago 50 percent of the children in foster care were there because of their parents' use of drugs--methamphetamine in particular.

An incredibly high percentage--up to 90 percent--of prison inmates (both male and female) are incarcerated with chemical dependency problems--as many as half for meth. And, of course, many of our prisoners have severe mental illness problems.

All of these social problems cause a tremendous drain on state and local government budgets. That is why the new governor of Georgia announced, in his inaugural address last month, that he was proposing increased funding for drug courts as a cost-saving measure.

Treatment courts divert some of these people to less expensive and more effective alternatives. They can keep kids out of Pine Hills or even more expensive out-of-state placements.

They divert new commitments from our state prisons to less expensive alternatives in the community.

Drug courts reunite shattered families and turn participants into productive members of society.

Recently, we issued a report that catalogs the success of Montana's drug courts. Some of the highlights include:

The re-offense rates for those participants that had been discharged for 2 years or more are remarkable, only 1.2% were arrested for a felony, and only 10.5% committed misdemeanors. That means that only 10 percent committed as much as a misdemeanor, a significant drop in recidivism.

Adult Drug Court graduates had a 17.6 percent increase in employment during the program, Family Drug Court graduates had an incredible 61.8 percent increase in employment.

One more:

In two and one-half years, 20 participants were pregnant--14 gave birth while in the program, 12 or those babies were born drug free--an immense saving of taxpayer dollars.

Many of our judges in Montana are committed to addressing these problems in their communities--problems they see every day.

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

Treatment courts are a strain on judges' time and energy. However, they are very rewarding as well. They do see good things happen in a courtroom--not a common occurrence in our courts.

Nationally, it has been proven that Treatment courts are by far the most effective thing we can do to address drug abuse and the problems that go with it.

We also propose to continue our Court Help Program, to assist individual Montana citizens with court service areas, places where you can get proper forms and assistance with the court process without unnecessary expense. Not all legal matters need attorneys. There are many ways we can simplify the process and provide people with helpful solutions.

Most people cannot afford an attorney--so they come to court without. Fully 30 percent of our Court's cases are presented with at least one party not represented by an attorney. In Flathead, it's 80 percent of the domestic relations cases.

These cases tend to be very messy, These cases are time consuming, These cases are very frustrating--not only for the Judge but the parties themselves.

This program provides some direction--some explanation of how to navigate through the process, It does not offer legal advice.

Since the program began, our two full-time centers in Kalispell and Billings have assisted 12,000 individuals and small businesses navigate through the complexity of our court system. We do this with volunteers who are recruited and trained by the limited staff that we have. Because our tiny budget is leveraged by volunteer labor, this program operates in 24 counties--all across our state.

This program does significantly increase judicial efficiency and it does reduce court backlog.

Finally, we hope to be able to introduce some new efficiencies at the Water Court thanks to suggestions from the Legislative Audit Committee. Started in 1979, the task is to quantify every water right, in every drainage, in the state of Montana--all 220,000 claims--a monumental task. We are working with Representative McNutt and Senator Wanzon on a proposal that will be coming your way soon.

The way our citizens approach the court system is changing dramatically; clearly our courts must adapt to these changing times.

Thanks to you, last session, for providing some funding for these important programs. I hope they will be able to continue. We believe our proposals will help to ensure that the small business owner, the man injured through no fault of his own, the mom, the defendant wrongly accused, and the child crying in the crib get their opportunity to resolve their crises. We also hope that by making the court system more efficient and responsive to the public's needs, we can avoid coming to you in a future session asking for more Judges.

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

While I have been Chief Justice for only a short period of time, I have enjoyed the experience immensely. I thank the people of Montana for giving me this opportunity.

Thank you again for inviting me to speak with you today.

I know all of you have a lot to do in the next 57 days!

Good luck this Session!

President Peterson thanked Chief Justice McGrath and requested that the committee of four approach the rostrum to escort the Chief Justice and Justices of the Supreme Court from the Chamber.

Senator Essmann moved that the joint session be adjourned. Motion carried.

House Recessed.

House Reconvened.

Representative Sesso announced that former Senator J.D. Lynch's wife passed away today. The House had a moment of silence.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman):

2/10/2011

HB 46, do pass. Report adopted.

HB 100, introduced bill, be amended as follows:

1. Page 1, line 9 through line 10.

Strike: "A" on line 9 through "bill" on line 10

Insert: "A legislator who obtains the signatures of 25 other legislators who are in agreement"

2. Page 1, line 11.

Following: "(2)"

Insert: "for any bill introduced during a legislative session"

And, as amended, do pass. Report adopted.

HB 324, do pass. Report adopted.

HB 354, do pass. Report adopted.

SB 23, be concurred in. Report adopted.

SB 27, be concurred in. Report adopted.

SB 63, be concurred in. Report adopted.

SB 78, be concurred in. Report adopted.

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 2/9/2011

HB 237, do pass. Report adopted.

HB 295, introduced bill, be amended as follows:

1. Page 1, line 28 through page 29.

Strike: "All" on line 28 through "property." on line 29

2. Page 2, line 9.

Following: "property"

Strike: "and"

Insert: ", including without limitation a royalty, if applicable,"

3. Page 2, line 13.

Following: "agreement."

Insert: "All incidents of ownership regarding rights, rents, and royalties may be exercised by the owner of the real property."

4. Page 4.

Following: line 3

Insert: "(4) Notwithstanding the provisions of [sections 1 through 8] or a wind energy agreement, the real property owner retains the right to grant easements or rights-of-way for all electric power lines to be located on the property."

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Howard, Chairman):

2/9/2011

HB 83, introduced bill, be amended as follows:

1. Title, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 7, line 28 through line 30.

Strike: subsection (d) in its entirety

Renumber: subsequent subsections

3. Page 9, line 6 through line 7.

Strike: subsection (2) in its entirety

Insert: "(2) Unless a court of competent jurisdiction finds that a person or entity committed an unlawful act pursuant to [section 14], a person or entity in proper possession of information pursuant to [sections 1 through 15] is not subject to civil liability or other legal or equitable relief for any of the following acts or omissions:

(a) furnishing information pursuant to [sections 3 through 7];

(b) receiving, using or relying on, or not using or relying on information received pursuant to [sections 3 through 7]; or

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

(c) relying on information that was entered into the registry in error, was factually incorrect, or was released by the board to the wrong person or entity."

4. Page 9, line 15 through line 18.

Following: "registry." on line 15

Strike: "(1) The board" on line 15 through "(2)" on line 18

5. Page 10, line 12.

Following: "set by rule"

Strike: "is commensurate" through "the registry"

Insert: "may not exceed \$15"

6. Page 11, line 12.

Following: "who"

Insert: "willfully"

7. Page 11, line 16.

Following: "who"

Insert: "willfully"

8. Page 12, line 20.

Insert: "NEW SECTION. Section 20. Termination. [Section 12(1)] terminates July 1, 2015."

And, as amended, do pass. Report adopted.

HB 206, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

2/9/2011

HB 379, do pass. Report adopted.

NATURAL RESOURCES (Hendrick, Chairman):

2/9/2011

HB 28, introduced bill, be amended as follows:

1. Title, line 5.

Following: "REQUIRING THAT"

Insert: "PROPOSED"

2. Title, line 6.

Following: "IS LOCATED"

Strike: "UNLESS"

Insert: "OR ON AN ADJOINING RIGHT-OF-WAY; ALLOWING LOCATION OF A DRAINFIELD MIXING ZONE OUTSIDE THE SUBDIVISION IF"

Following: "AN EASEMENT"

Insert: "OR OTHER AUTHORIZATION"

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

3. Page 2, line 30.

Following: "evidence that a"

Insert: "proposed"

4. Page 3, line 1.

Following: "easement"

Insert: "or, for public land, other authorization"

Following: "obtained"

Insert: "from the landowner"

Following: "place the"

Insert: "proposed"

5. Page 3, line 2.

Following: "located."

Insert: "A mixing zone may extend outside the boundaries of the proposed subdivision onto adjoining land that is dedicated for use as a right-of-way for roads, railroads, or utilities."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):

2/10/2011

HB 70, introduced bill, be amended as follows:

1. Title, page 1, line 28.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "19-3-1606"

Insert: "AND 19-8-604"

2. Page 43, line 23.

Strike: "section"

Insert: "sections"

Strike: "is"

Insert: "are"

3. Page 43.

Following: line 25

Insert: "19-8-604. Early retirement benefit.""

And, as amended, do pass. Report adopted.

HB 86, do pass. Report adopted.

TRANSPORTATION (Vance, Chairman):

2/9/2011

HB 264, do pass. Report adopted.

HB 265, do pass. Report adopted.

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/9/2011

SB 179, introduced by Wittich
SB 222, introduced by Augare
SB 246, introduced by Olson

House bill concurred in and returned to the House: 2/9/2011

HB 22, introduced by Klock

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 474, introduced by Connell, referred to Fish, Wildlife and Parks.
HB 475, introduced by Connell, referred to Fish, Wildlife and Parks.
HB 476, introduced by Hollandsworth, referred to Agriculture.
HB 477, introduced by Hollandsworth, referred to Appropriations.
HB 478, introduced by Rosendale, Vance, Hale, C. Smith, O'Neil, Skees, referred to Agriculture.
HB 479, introduced by Small, Ankney, Berry, Olson, McGillvray, Milburn, J. Peterson, Essmann, referred to Natural Resources.
HB 480, introduced by Menahan, referred to Judiciary.
HB 481, introduced by Belcourt, Brenden, Ripley, referred to Natural Resources.
HB 482, introduced by Phillips, Belcourt, referred to Agriculture.
HB 483, introduced by Howard, referred to State Administration.
HB 484, introduced by Squires, referred to State Administration.
HB 485, introduced by Arntzen, Gillan, referred to Appropriations.
HB 486, introduced by Taylor, Gillan, Arntzen, referred to Human Services.
HB 487, introduced by Clark, referred to Business and Labor.
HB 488, introduced by O'Neil, Wagner, Beck, Kerns, Blyton, Greef, Kennedy, Knox, referred to Human Services.
HB 489, introduced by O'Neil, Kennedy, Knox, referred to State Administration.
HB 492, introduced by Howard, referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 12, introduced by Reinhart, Hands, Furey, Malek, Swanson, Erickson, Court, Noonan, McClafferty, C. Williams, Price, Phillips, B. Bennett, Schmidt, Hill, Sesso, Squires, Wilmer, McNally, MacDonald, Moss, Wanzenried, Di. Barrett, K. Williams, Pease-Lopez, Boland, Sands, Kaufmann, Caferro, referred to Federal Relations, Energy, and Telecommunications.

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

The following Senate bills were introduced, read first time, and referred to committees:

SB 9, introduced by Keane (by request of the Environmental Quality Council), referred to Natural Resources.

SB 92, introduced by Jent, referred to Fish, Wildlife and Parks.

SB 105, introduced by Priest, referred to Federal Relations, Energy, and Telecommunications.

SB 126, introduced by Larsen, referred to Agriculture.

SB 135, introduced by Balyeat, O'Hara, Zinke, Brown, Brenden, Steinbeisser, Hendrick, Miller, Taylor, Kerns, Lewis, Mehlhoff, O'Neil, Walker, Wittich, G. Bennett, Hutton, Keane, Ripley, Hamlett, Washburn, Kary, More, Gallus, Buttrey, Edmunds, Skees, Ehli, Arthun, Vincent, Essmann, Priest, Hinkle, Vuckovich, C. Smith, Sonju, Blasdel, Jent, Brodehl, Shockley, Knudsen, referred to Fish, Wildlife and Parks.

SB 136, introduced by Balyeat, Sonju, Jackson, Steinbeisser, Warburton, Brown, Arthun, Hinkle, Brenden, C. Smith, G. Bennett, Skees, Vincent, Kerns, Taylor, O'Neil, Wittich, O'Hara, Murphy, Essmann, Gallus, Lewis, Hutton, Ripley, Vuckovich, Washburn, Jent, Walker, Ehli, Wagner, Hamlett, Edmunds, Van Dyk, Priest, Shockley, Knudsen, Buttrey, More, referred to Fish, Wildlife and Parks.

SB 140, introduced by Erickson, referred to Transportation.

SB 142, introduced by De. Barrett, referred to Agriculture.

SB 160, introduced by Vincent, G. Bennett, Cuffe, referred to Fish, Wildlife and Parks.

SB 166, introduced by Balyeat, Brown, Hinkle, Steinbeisser, Arthun, Vincent, Olson, Shockley, Wittich, Jones, Jackson, Hutton, Brenden, Blasdel, Moore, Buttrey, Lake, Gibson, Essmann, Walker, referred to Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 34 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: G. Bennett, Blasdel, Blyton, Cuffe, Hale, Kennedy, Kerns, Knox, McGillvray, More, Randall, Skattum, Skees, C. Smith, Vance, Wagner.

Total 16

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

Excused: None.

Total 0

Absent or not voting: Berry.

Total 1

HB 49 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

Nays: Blasdel, Blyton, Burnett, Hale, Howard, Kary, Kennedy, Kerns, Knox, McGillvray, More, Skattum, Skees, C. Smith, Wagner.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 90 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 78

Nays: G. Bennett, Blyton, Burnett, Edmunds, Hale, Hansen, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, Miller, Osmundson, Randall, Skattum, Skees, C. Smith, Vance, Wagner, Yates.

Total 22

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 309 passed as follows:

Yeas: Ankney, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Cook, Cuffe, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Welborn, Mr. Speaker.

Total 57

Nays: Arntzen, Barrett, Belcourt, B. Bennett, Boland, Burnett, Connell, Court, Driscoll, Edmunds, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kary, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Squires, Swanson, Washburn, Williams, Wilmer, Yates.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 384 passed as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, Mehlhoff, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates.

Total 52

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Esp, Evans, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Mr. Speaker.

Total 47

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

Excused: None.

Total 0

Absent or not voting: McNutt.

Total 1

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Reichner in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 327 - Representative McClafferty moved **HB 327** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

HB 307 - Representative Burnett moved **HB 307** do pass.

HB 307 - Representative Sesso moved **HB 307**, second reading copy, be amended as follows:

1. Page 1, line 25 through line 26.

Strike: "A" on line 25 through "GROUND," on line 26

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

2. Page 1, line 26.

Strike: "MULTILEVEL"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 307 - Representative Burnett moved **HB 307**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 82

Nays: Barrett, B. Bennett, Boland, Evans, Furey, Hands, McClafferty, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Williams, Wilmer, Yates.
Total 18

Excused: None.
Total 0

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

Absent or not voting: None.

Total 0

HB 288 - Representative Sands moved **HB 288** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Clark, Howard, Kennedy, More.

Total 4

Excused: None.

Total 0

Absent or not voting: Connell, Peterson.

Total 2

HB 174 - Representative Kerns moved **HB 174** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 72

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams.

Total 28

Excused: None.

Total 0

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

Absent or not voting: None.

Total 0

HB 161 - Representative Milburn moved **HB 161** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Reichner moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 73

Nays: B. Bennett, Boland, Furey, Hands, Hill, MacDonald, Malek, McClafferty, McNally, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 24

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 10, 2011

Excused: None.

Total 0

Absent or not voting: Court, Howard, Reichner.

Total 3

MOTIONS

Representative McGillvray moved **HB 161** be moved from the Committee of the Whole committee to the Appropriations committee.

UNFINISHED BUSINESS

Representative G. Bennett rose on a point of personal privilege to apologize for an incorrect statistic given during the discussion on HB 161 today. The correct statistic was 71% of voters.

Representative Howard rose on a point of personal privilege to correct a statement made during discussion on HB 161. Representative Howard stated that he intended to say "Marijuana Policy Project" instead of "Montana Policy Institute."

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Ankney rose on a point of personal privilege to apologize for not directing the conversation through the chair during discussion on the previous day.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Friday, February 11, 2011. Motion carried.

House adjourned at 3:00 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
THIRTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
February 11, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Knox. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Clark, excused. Quorum present.

BILLS (O'Hara, Chairman):

2/11/2011

Examined by the sponsor and found to be correct: **HB 22**.

Correctly printed: **HB 203, HB 248, HB 293**.

Correctly engrossed: **HB 133, HB 192, HB 228, HB 330, HB 331, HB 337, HB 361, HB 372**.

MOTIONS

Representative McGillvray moved that the House recess for the purpose of receiving an address by the Honorable Senator from the State of Montana, Jon Tester. Upon adjournment of the joint session, the House will reconvene. Motion carried.

Sgt-at-Arms Bean announced that the Honorable Senate of the State of Montana awaits entrance outside the chamber. Speaker Milburn requested that Sgt-at-Arms Bean admit the Senate to the House chamber.

Speaker Milburn introduced President Peterson and yielded the chair.

Senator Essmann moved that the body resolve itself into a joint session for the purpose of receiving an address by the Honorable Senator from the State of Montana, Jon Tester. Motion carried.

Senator Essmann moved that the President be authorized to appoint a committee of four to notify Senator Tester that we are in joint session and ready to receive his address. Motion carried.

President Peterson appointed Senators Steinbeisser, Wanzenreid and Representatives Washburn and Schmidt to escort Senator Tester into the House chamber.

Sgt-at-Arms Clark announced that the committee to escort Senator Tester awaits entrance to the House chamber.

President Peterson requested that Sgt-at-Arms Clark admit Senator Tester into the House chamber.

President Peterson introduced Senator Jon Tester.

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

Senator Tester make the following remarks:

President Peterson, Speaker Milburn, legislators, honored guests, people of Montana: It's great to be here. It's great to be back in Montana's "Peoples' House" to share a few words with you.

Usually when I recognize folks, I like to have them stand. This time, I'd like to do something a little different. I'm going to ask that if you are a veteran, please remain seated. Everyone else, please rise if you can. Let us stand and honor Montana's veterans. I also want to acknowledge my friend, Lieutenant Governor John Bohlinger, here today. John, now I'm going to ask you to stand. Thanks not only for your service as a Marine, but also for your service to the state of Montana. Every day you remind us that it's possible to reach across party lines, find common ground, and work together. You are a statesman. Thank you.

Last week, a reporter asked me an interesting question. He asked who my best friend in Congress is. I thought about it for a bit. My best friend in Congress is my best friend in life. Sharla Tester. She is my partner in serving Montana, in running our family farm, in raising our children, and in loving our grandchildren. Sharla can't be here today, but a lot of my family is. My daughter, Christine, and her husband, James, are here. Melodie and her husband, Glenn. And our grandkids: Kilikina, Brayden and Tucker.

Senator Keane, where are you? I was sorry to hear Senate Bill 6 got tabled in committee. Under Senator Keane's bill, anyone who uses PowerPoint in committee would have had to fork over fifty to a hundred bucks into a special fund depending on the length. I'd love to see the fiscal note on that one.

There are very serious challenges ahead: Passing a budget that works for Montana, its small businesses, its working families, its family farms and ranches. A budget that creates jobs. A budget that creates an environment that allows our kids and grandkids to be competitive and successful. Every decision you make has an impact on your neighbors. My neighbors. Your communities. And all communities across Montana.

You know what? Montana is blessed with our citizen legislature. It's one of the many things that make Montana the best state in the best nation, in the world. I was proud and honored to serve here. And I thank you for being part of it, too.

Montana is also blessed with an strong small business spirit. I've seen it firsthand as I travel back to this state every weekend, visiting every county. I see that spirit in folks like Kim Ormsby, founder of the Natural Baby Company in Bozeman. What started as a great idea - selling cheaper, environmentally friendly baby products online - has turned into a booming brick-and-mortar business. Kim Ormsby is a Montana success story. And she's creating jobs. In Red Lodge, Keith Lauver is just starting a business called The Healthy Pantry. He takes Montana ag commodities. And, on a stove in a building on Main Street, he turns them into meals that are easy to prepare at home. The Healthy Pantry isn't just making good food. It's putting folks back to work. And there's the Stillwater Mining Company, where hundreds of Montanans work together - union labor and management - to get platinum and palladium to the market. Stillwater

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

is "Made in America." It's a gem in our Treasure State that we can all be proud of. From metals and minerals to coal and oil and natural gas, Montana is rich in natural resources. We've got trees and biomass. Wind and solar and geothermal energy. Our resources include the animals we raise and eat and the ground where we raise our crops. Ladies and gentlemen, in Montana, we've got the lumber. We've got the hardware. What we need from you is a smart - and I emphasize smart - budget plan to create jobs and keep our Montana economy strong. A plan that strengthens and maintains a business-friendly environment. One that invests in our workers. And our kids. And their education. And allows them to do whatever they dream to do. A budget plan that maintains the physical infrastructure we need to keep our rural state in fighting shape. With our national economy on the rebound, we can't afford to go backwards. Montana has handled this recession better than any state. And we need to make sure we continue the trend.

Montanans sent me to the United States Senate to work hard. They sent you to Helena to work hard. To make Montana and America better for our kids and grandkids. Not to sit around complaining. Not to re-hash old problems or create new ones. It's our job to do our work with respect for one another, finding the common ground that unites us. And working from that common ground. We may be Democrats. And we may be Republicans. But we're Americans and Montanans first. We all have a unique challenge. Because whether home is Billings or Big Sandy, we have this in common: all of us live in rural America.

One of my biggest challenges back in the Senate is getting folks to understand what rural America really means. To them, rural America is the area between Washington, D.C. and Baltimore. For us, it's a way of life. We share a heritage rich in agriculture. I'm proud of the fact I'm the only member of the U.S. Senate and the only member of Montana's delegation who still runs a family farm. It's an important perspective to bring to the table. In rural America, we have a rich outdoor heritage. For the next two years, I have the honor of serving as chairman of the Congressional Sportsman's Caucus. My role: to keep fighting for - and strengthening - our gun rights. Standing up for access to public lands. And public water. Of course, getting wolves back off the Endangered Species List. And returning their management to the State of Montana-to the professionals who know how to do it best. I'm doing everything I can to pass wolf legislation through Congress. Because we need a solution for wolves. And we need it now. I introduced a bill yesterday that delists wolves. It returns us back to Montana's management plan, which was working just fine. The bottom line is, we need to start hunting - and managing - wolves now. That's why last week, I called for a controlled wolf hunt in Montana. The Interior Department is expediting that request. And I will keep their feet to the fire until they approve that hunt. It's a good step. But it's exactly the reason we need to delist wolves. Montana has responsibly managed wolves. And we shouldn't have to ask the federal government for a hunt. Until wolves are delisted - and Montana is back in charge - I'll do everything I can to push the feds to work with us. To let Montana aggressively manage wolves.

In addition to our outdoor heritage, Montana and rural America have a proud tradition of military service. Our state is home to 103,000 veterans. More are coming home every day. Many with injuries seen... and unseen. In December, I had the honor of visiting Lance Corporal Tomy Parker in his hospital room in Bethesda. Tomy is from Ronan. He lost both legs and part of his hand while serving our country in Afghanistan. As big as his losses are, the only thing bigger is

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

his incredible positive attitude. And the love of his family. We needed Lance Corporal Parker. And now, Tomy needs us. Our veterans and servicemen and women have fought and fight for our freedom and liberty every day.

So let me be clear: we've got a lot of challenges ahead when it comes to cutting spending and cutting our debt. But we cannot afford to do it by cutting benefits from America's veterans. I was struck by what the national commander of the VFW said the other day. It was a response to a controversial proposal to cut \$4-and-a-half billion in veterans' benefits. He said, and I quote, "The day this nation can't afford to take care of her veterans is the day this nation should quit creating them." Montana is blessed with our heritage of military service.

In rural America, we've got to strengthen what we're blessed with. Because rural America fights for this country. Feeds this country. And fuels this country. Like many of your relatives, my grandparents came to Montana with almost nothing. They had to rely on their own hard work. They had to work together with their neighbors to survive. And they had to live within their means. You know what? They made it work. My grandparents - and my parents - knew the value of a dollar. I know the value of hard work and the value of a dollar. Those are Montana values. We can be proud of Montana's Constitutional requirement to balance the budget. That darned good leadership over the past few years has made Montana one of the few states in the nation still operating in the black. A decade ago, during the Clinton Administration, this country ran a surplus. It is possible. But over the past 10 years, some in Congress made some pretty bad choices. And it turned our economy upside down. Instead of gimmicks that cost us jobs, hurt education, and weaken our infrastructure, we need to take real steps toward cutting our deficit and balancing our budget. It's not going to happen overnight. It's going to take a credible, long-term strategy.

So, what is real? Last year, I cut \$6 billion in spending from the unemployment insurance law. I killed the Animal ID program, which was wasting millions of your tax dollars I voted-twice-to make sure Congress didn't get a pay raise. And just last month, I introduced a bill ending automatic pay raises for members of Congress forever. This week, Tom Coburn - a conservative Republican from Oklahoma - and I teamed up and introduced a bill to make sure hardworking taxpayers don't have to write unemployment checks for millionaires. That's just common sense. And it shows that one party doesn't have all the good ideas. You just have to be willing to work together to cut spending and cut our debt. And as the only Senate Democrat to vote against both bailouts, I will tell you I will always vote against bailouts.

As for that credible, long-term strategy? I supported creating a bipartisan panel to recommend a path forward... to cut our debt and cut spending. I read their plan. I don't agree with everything in it. But I support the idea behind these recommendations. We need to cut the waste, fraud and abuse in our entitlement programs. We need to make sure they work for the 21st Century. We need to take a look at our tax code, to make sure it works for middle class families. And to make sure nobody side-steps the system. That's what it's going to take to really cut our debt and cut spending. Not gimmicks. It won't be easy. In fact, it will be pretty darned difficult. We're going to have to make some tough choices in the weeks, months and years ahead. Every expenditure - whether it's a government program or a tax earmark - has a network of people supporting it. For that reason, balancing the books will be a challenge. But that doesn't mean it

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

can't be done. It has to be done. And it can be done... without costing us jobs. The key is: no one is excused from sharing in the sacrifice. Not the folks who live in the big cities. Nor the folks with Swiss bank accounts. Nor Wall Street Banks or K Street lobbyists. Nor insurance giants or multinational corporations that send American jobs overseas - and can now secretly fund our political campaigns. Everybody has to feel a little pain. But that doesn't mean we take a battle axe to the very things that are creating jobs and building our economy. Or backpedal on our commitment to veterans. Think turning public education upside down creates jobs and a business friendly environment? In this competitive world, it would only take us backwards. And it will shift the tax burden onto local property taxpayers. Does slashing our basic infrastructure, like safe roads and drinking water and electrical transmission lines help businesses create jobs? Or saying 'tough luck' to our law enforcement officers and firefighters? Or gutting access to quality, affordable health care? That kind of governing will land us right back in the ditch. And it will not create jobs. We create jobs by investing in education and infrastructure and in health and public safety.

That's why I'm proud of my vote for the Recovery Act. A bill that put thousands - let me repeat, thousands - of Montanans to work. It cut taxes for every Montanan - to the tune of a half-billion dollars. And it jump-started the infrastructure we need to create jobs. Every region in Montana has a school, a road, a public works system that has been improved and revitalized because of the Recovery Act. The Recovery Act is building the North Central Regional Water System, which will provide clean drinking water to tens of thousands of Montanans. It allowed crews to finish one of our state's fastest-growing business corridors-Shiloh Road in Billings. It launched a critical revolving loan fund to keep Montana's timber industry on its feet - in a time of really tight capital. I know Cary Hegreberg and my friends at the Montana Contractors Association have done a great job in taking advantage of the Recovery Act - and putting Montanans to work. I want to thank them. And most importantly, the Recovery Act pulled our nation away from the ledge of a catastrophic depression. That's what I call, successful stimulus. The only thing failed about it... was a vote against it.

Remember this: it is our patriotic responsibility as Americans to govern and budget carefully. It is patriotic for a business to go the extra mile needed to create jobs here in America. Off-shoring jobs may save you a few bucks, but none of us can afford to cut American workers out of the picture. Invest in jobs here, and you invest in your community. And your country. The Natural Baby Company is doing it. The Healthy Pantry, and the Stillwater Mine are doing it. A whole bunch of Montana businesses are doing it. Montanans should demand support for Montana jobs from their political leaders. And we all should demand it from our businesses. As we have this debate, we also can't let Montana and rural America shoulder more than our share of the sacrifice. That's all the more reason I need to keep fighting for the priorities of rural America in the US Senate.

I will never give up on Montana. I will never give up on our family farms and ranches. Or our schools and small businesses. Or our veterans. Our human infrastructure is too valuable to let go by the wayside. Letting our roads fall apart or letting our best teachers go somewhere else will cost us jobs. It will cost us opportunity. We can't afford to take a back seat to anyone. Despite the differences we may have in this room, we are all Montanans. And we're all lucky to call this state home. I'm bullish on Montana. In fact, I can't think of a single reason not to be.

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

We've got the people. We've got the resources. And like the generations before us, we've got opportunity for the taking. Later this month, on February 23rd, I'm hosting my sixth Small Business Opportunity Workshop. This one will be in Missoula. And I invite every Montanan to attend. You don't have to be a Democrat or a Republican to take part. The idea is to work together to build Montana, to create jobs and take advantage of every opportunity possible. Montanans aren't afraid to work hard or make tough decisions. Working together, we'll build up our state. We'll create jobs. And we'll move forward, not backward. We can do it while empowering small businesses, family farms and ranches, working families. We can do it without ignoring the needs of the physical and human infrastructure we need to stay competitive. We can do it by investing in K-through-12 education, and our university system.

Good luck in the weeks ahead. God Bless.

President Peterson requested that the committee of four escort Senator Tester from the joint session.

Senator Essmann moved that the joint session be adjourned. Motion carried.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman):

2/10/2011

HB 133, introduced bill, be amended as follows:

1. Page 1, line 16.

Strike: "attempt to"

2. Page 1, line 17.

Strike: "or telephone"

3. Page 1, line 18.

Following: "The"

Insert: "If the landowner has an agent for service on file with the secretary of state, the notice must be given by mail to the registered agent. The landowner or the landowner's representative shall respond to the notice within 10 days."

4. Page 1, line 20.

Following: "time"

Strike: ", "

Insert: ". The inspection must occur"

Strike: "3"

Insert: "7"

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

5. Page 1, line 21.

Strike: "agreeing" through "inspection"

Insert: "the agreed-upon inspection date"

Following: "notification"

Strike: "the" through "notify"

Insert: "notifying"

6. Page 1, line 23.

Following: "may"

Insert: "seek a court order to"

7. Page 1, line 26.

Strike: "attempt to"

8. Page 1, line 27.

Strike: "or telephone"

9. Page 1, line 29.

Strike: "shall"

Insert: "may"

10. Page 2, line 4.

Following: "notification"

Insert: "after the notification or within 10 days"

Following: "notice"

Strike: "required"

11. Page 2, line 7 through line 8.

Following: "found" on line 7

Strike: remainder of line 7 through "penalty" on line 8

12. Page 2.

Following: line 8

Insert: "(c) Within 10 days after the board has issued a notice to comply with the noxious weed management program, the landowner or landowner's representative may file a request for a hearing in court if the landowner or landowner's representative disagrees with the noxious weed management control measures proposed to be taken by the board.

(d) If a request for a hearing has been filed pursuant to subsection (2)(c), the board or the board's agent may not take any action to control the noxious weeds until after the hearing and authorization from the court."

Renumber: subsequent subsections

13. Page 2, line 9.

Following: "(2)(b)"

Insert: "and a hearing is requested in court"

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

Following: the second "penalty"

Strike: "must"

Insert: "may"

Following: "be"

Strike: "imposed"

Insert: "sought"

14. Page 2, line 11 through line 12.

Strike: "A civil" on line 11 through line 12 in its entirety

15. Page 2, line 28.

Following: "(1)(b)(iii)."

Insert: "If the board decides to seek a civil penalty under 7-22-2123(2)(b) instead of taking the control measures, the board shall obtain judicial approval from the court for the penalty."

And, as amended, do pass. Report adopted.

HB 331, introduced bill, be amended as follows:

1. Page 1.

Following: line 30

Insert: "(5) If the governor declares an emergency due to the need to destroy animals infected with brucellosis, the governor may authorize the expenditure of funds pursuant to 10-3-312 for the purposes provided in this section. Those funds must be deposited in the brucellosis indemnity account established in [section 2]."

And, as amended, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman):

2/10/2011

HB 228, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "ELIMINATING"

Insert: "LOWERING"

2. Title, page 1, line 6.

Strike: "AT A REDUCED COST"

3. Page 2, line 22.

Following: "may,"

Insert: "who is 10 years of age or older,"

4. Page 2, line 29.

Following: "issued,"

Insert: "but who is 10 years of age or older,"

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

5. Page 3, line 6.

Following: "~~may,~~"

Insert: "but who is 10 years of age or older,"

6. Page 3, line 15.

Following: "only"

Strike: "1"

7. Page 3, line 16.

Following: "~~issued,~~"

Insert: "and who is 10 years of age or older,"

8. Page 4, line 18.

Following: "~~issued~~"

Insert: "but who is 10 years of age or older"

9. Page 5, line 7.

Following: "~~may,~~"

Insert: "but who is 10 years of age or older,"

10. Page 5, line 22.

Following: "~~may,~~"

Insert: "but who is 10 years of age or older,"

11. Page 6, line 10.

Following: "~~issued,~~"

Insert: "but who is 10 years of age or older,"

12. Page 6, line 19.

Following: "~~issued,~~"

Insert: "and who is 10 years of age or older,"

13. Page 6, line 28.

Following: "~~may,~~"

Insert: "but who is 10 years of age or older,"

14. Page 7, line 15.

Following: "~~may,~~"

Insert: "but who is 10 years of age or older,"

15. Page 8, line 3.

Following: "~~issued,~~"

Insert: "and who is 10 years of age or older,"

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

16. Page 9, line 3.

Following: "issued,"

Insert: "and who is 10 years of age or older,"

17. Page 9, line 10.

Following: "issued,"

Insert: "but who is 10 years of age or older,"

18. Page 9, line 16.

Following: "older,"

Insert: "who is 10 years of age or older,"

19. Page 9, line 23.

Following: "older,"

Insert: "who is 10 years of age or older,"

20. Page 10, line 3.

Following: "and"

Insert: "is 10 years of age or older and who"

21. Page 10, line 20.

Following: "issued"

Insert: "who is 10 years of age or older"

22. Page 11, line 6.

Following: "and"

Insert: "10 years of age or older and"

23. Page 11, line 16.

Following: "and"

Insert: "10 years of age or older and"

24. Page 11, line 19.

Following: "and"

Insert: "10 years of age or older and"

25. Page 11, line 21.

Following: "and"

Insert: "10 years of age or older and"

26. Page 11, line 22.

Following: "and"

Insert: "10 years of age or older and"

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

27. Page 12, line 18.

Following: "is"

Insert: "10 years of age or older and who is"

28. Page 12, line 20.

Following: "is"

Insert: "10 years of age or older and who is"

29. Page 12, line 23.

Strike: "reduced cost"

30. Page 12, line 24.

Following: "is"

Insert: "10 years of age or older and who is"

31. Page 12, line 29.

Following: "ammunition."

Insert: "The minor may attend the hunter safety and education course prior to turning 10 years of age but may not obtain a hunting license pursuant to this section until turning 10 years of age."

And, as amended, do pass. Report adopted.

HB 337, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "87-1-102," through "87-1-125,"

2. Title, page 1, line 6.

Strike: "87-2-106,"

Following: "87-2-114,"

Insert: "AND"

Strike: "87-3-102," through "87-3-118,"

3. Page 1, line 10 through page 6, line 14.

Strike: section 1 through section 4 in their entirety

Renumber: subsequent sections

4. Page 6, line 21.

Following: "convicted"

Insert: "or forfeits bond or bail"

5. Page 8, line 30 through page 10, line 22.

Strike: section 7 in its entirety

Renumber: subsequent sections

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

6. Page 12, line 15 through page 16, line 12.

Strike: section 10 through section 12 in their entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 361, introduced bill, be amended as follows:

1. Page 2, line 10.

Following: "2007"

Insert: "or implement limited-entry archery-only elk permits in a district in which archery-only elk permits were not required in 2007"

And, as amended, do pass. Report adopted.

HB 372, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "AND PERMITS"

2. Page 3, line 9 through page 4, line 19.

Strike: section 2 in its entirety

Insert: "NEW SECTION. **Section 2. Nonresident elk and deer license preference point system.** (1) The department shall establish a preference point system to distribute Class B-10 nonresident big game combination licenses and Class B-11 nonresident deer combination licenses.

(2) In addition to payment of any fees established in 87-2-113, 87-2-505, and 87-2-510, nonresidents applying to purchase a Class B-10 or Class B-11 license may purchase a preference point, upon payment of a nonrefundable \$50 fee, that gives an applicant who has more preference points priority to receive a Class B-10 or Class B-11 license over an applicant who has purchased fewer preference points.

(3) An applicant may:

(a) purchase only one preference point per license year; and

(b) purchase a preference point without applying for a Class B-10 or Class B-11 license.

An applicant not applying for a Class B-10 or Class B-11 license may purchase a preference point only between July 1 and September 30 prior to the applicable license year. The department shall delete an applicant's accumulated preference points if the applicant does not apply for a Class B-

10 or Class B-11 license for 2 consecutive years.

(4) Except as provided in subsection (3)(b), the department may not delete an applicant's accumulated preference points unless the applicant obtains the license applied for, in which case the department shall delete the applicant's accumulated preference points.

(5) The department shall issue 75% of the Class B-10 and Class B-11 licenses made available for purchase pursuant to 87-2-505 and 87-2-510 by drawings in which the licenses are awarded to applicants in the order of which applicants have purchased the greatest number of

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

preference points. If the number of licenses to be issued under this subsection exceeds the number of applicants who have purchased preference points, the remaining licenses must be added to the licenses issued pursuant to subsection (6).

(6) The department shall issue 25% of the Class B-10 and Class B-11 licenses made available for purchase pursuant to 87-2-505 and 87-2-510 by drawings in which the licenses are awarded to applicants who have not purchased any preference points. If the number of licenses to be issued under this subsection exceeds the number of applicants who have not purchased preference points, the remaining licenses must be added to the licenses issued pursuant to subsection (5).

(7) Up to five applicants may apply as a party under this section. The department shall use an average of the number of preference points accumulated by those applicants to determine their priority in receiving licenses issued pursuant to subsection (5). The department shall consider any fraction that results from the calculation of an average when determining that priority."

And, as amended, do pass. Report adopted.

JUDICIARY (Peterson, Chairman): 2/10/2011
HB 203, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman): 2/11/2011
HB 330, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "A PERMANENT"

Insert: "THE"

2. Page 1, line 14.

Strike: "permanent"

3. Page 4, line 25.

Strike: "permanent" in both places

And, as amended, do pass. Report adopted.

TAXATION (Blasdel, Chairman): 2/11/2011
HB 192, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "AN IMMEDIATE"

Insert: "A DELAYED"

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

2. Title, page 1, line 8.

Strike: "A RETROACTIVE"

Insert: "AN"

3. Page 2, line 17.

Strike: "\$10,000"

Insert: "\$4,000"

4. Page 2, line 22.

Strike: "\$50,000"

Insert: "\$35,000"

5. Page 2, line 26.

Strike: "\$50,000"

Insert: "\$35,000"

6. Page 6, line 20.

Strike: "2011"

Insert: "2012"

7. Page 6, line 26.

Strike: "on passage and approval"

Insert: "January 1, 2012"

8. Page 6, line 28 through line 29.

Strike: section 3 in its entirety

Insert: "NEW SECTION. **Section 3. Applicability.** [This act] applies to tax years beginning after December 31, 2011."

And, as amended, do pass. Report adopted.

HB 248, do pass. Report adopted.

HB 293, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/10/2011

SB 195, introduced by Ripley

SB 217, introduced by Murphy

Senate joint resolution passed and transmitted to the House for concurrence:

2/10/2011

SJR 9, introduced by Hutton

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 490, introduced by Warburton, Hale, Howard, Harris, Rosendale, G. Bennett, Kerns, Beck, Hinkle, Taylor, Loney, Arntzen, Brodehl, Hutton, C. Smith, Priest, Wagner, Skees, More, Roberts, Murphy, Kennedy, O'Neil, Lewis, Jackson, Blasdel, Read, Lavin, Edmunds, Regier, O'Hara, Hollandsworth, Knudsen, K. Peterson, Buttrey, Knox, Ingraham, Ehli, Blyton, Ripley, Balyeat, Vincent, referred to Judiciary.

HB 491, introduced by Cuffe, Blasdel, Hollandsworth, Roberts, Hollenbaugh, Hiner, O'Neil, Ehli, Skees, Small, Evans, Greef, Belcourt, Brodehl, McChesney, F. Smith, Sesso, Flynn, referred to State Administration.

HB 493, introduced by Knox, Stahl, Howard, Rosendale, Blyton, Knudsen, Kennedy, G. Bennett, Connell, Miller, Skees, O'Neil, Randall, Kerns, Edmunds, Vance, Osmundson, Read, Brodehl, Kary, Salomon, C. Smith, Yates, referred to Judiciary.

HB 494, introduced by Edmunds, referred to Judiciary.

HB 495, introduced by Cook, referred to Appropriations.

HB 496, introduced by Menahan, referred to Judiciary.

HB 497, introduced by Clark, referred to Agriculture.

HB 498, introduced by MacLaren, Steinbeisser, Clark, McChesney, Stahl, Kerns, Lewis, Ankney, referred to Agriculture.

HB 499, introduced by Clark, referred to Agriculture.

HB 500, introduced by Hansen, Knox, Blyton, referred to Business and Labor.

HB 501, introduced by Reichner, referred to Human Services.

HB 502, introduced by Hunter, referred to Appropriations.

HB 503, introduced by Wilmer, Phillips, K. Williams, Hawks, referred to Federal Relations, Energy, and Telecommunications.

HB 504, introduced by Yates, Harris, Hale, Vance, Wittich, Wagner, Skees, Rosendale, Ankney, Reichner, Evans, Hutton, Miller, Flynn, Randall, Loney, Kary, Read, Berry, Skattum, Knox, Stahl, O'Neil, C. Smith, Kennedy, More, G. Bennett, Edmunds, Brodehl, Blasdel, Regier, Taylor, Knudsen, referred to Federal Relations, Energy, and Telecommunications.

HB 505, introduced by Hill, referred to Business and Labor.

HB 506, introduced by Skees, Hendrick, Knox, Brodehl, Wittich, G. Bennett, Hale, Howard, Wagner, Hinkle, O'Neil, Kennedy, Stahl, Burnett, More, Vance, Clark, Osmundson, C. Smith, Regier, Reichner, Balyeat, Cuffe, Loney, Rosendale, Edmunds, Randall, Kerns, Hansen, Taylor, Kary, Jackson, Blasdel, Harris, referred to Federal Relations, Energy, and Telecommunications.

HB 507, introduced by B. Bennett, Pease-Lopez, Wilmer, C. Williams, Swanson, Malek, Furey, Erickson, McClafferty, Reinhart, Squires, Hill, Schmidt, Wanzenried, Hands, Price, Larsen, Sands, Facey, Di. Barrett, referred to Transportation.

HB 508, introduced by McNally, McNiven, referred to Local Government.

HB 509, introduced by McClafferty, Malek, Reinhart, referred to Transportation.

HB 510, introduced by Knox, referred to Local Government.

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

The following Senate bills were introduced, read first time, and referred to committees:

SB 35, introduced by Hamlett (by request of the Environmental Quality Council and the Water Policy Committee), referred to Natural Resources.

SB 133, introduced by De. Barrett, referred to Fish, Wildlife and Parks.

SB 143, introduced by De. Barrett, referred to Agriculture.

SB 146, introduced by Lake, referred to Local Government.

SB 156, introduced by Windy Boy, Stewart-Peregoy, Caferro, Augare, referred to Human Services.

SB 159, introduced by Priest, referred to Business and Labor.

SB 173, introduced by Tutvedt, referred to Local Government.

SB 221, introduced by Gillan, referred to Business and Labor.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 273 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Hale, F. Smith.

Total 2

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

HB 174 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef,

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 73

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Swanson.

Total 26

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

HB 288 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Hale, Kennedy, More.

Total 3

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

HB 327 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: Clark.
Total 1

Absent or not voting: None.
Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Kary in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 179 - Representative Knox moved **HB 179** do pass.

HB 179 - Representative Salomon moved **HB 179**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

Following: "EMPLOYMENT;"

Insert: "PROVIDING FOR A MAXIMUM PROBATIONARY PERIOD OF EMPLOYMENT;"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

2. Page 1, line 22 through line 23.

Strike: "of" on line 22 through "LONGER" on line 23

3. Page 2, following line 4.

Insert: "(3) For the purposes of subsection (2), the probationary period of employment is determined by the employer, but may not exceed 30 calendar days from the date the worker begins work for the employer."

Insert: "NEW SECTION. Section 2. Applicability. [This act] applies to probationary periods that begin on or after [the effective date of this act]."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Regier, Taylor.

Total 2

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

HB 179 - Representative Knox moved **HB 179**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 62

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kary, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 38

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 280 - Representative Ingraham moved **HB 280** do pass.

HB 280 - Representative Driscoll moved **HB 280**, second reading copy, be amended as follows:

1. Title, line 6.

Following: "ABORTION"

Insert: "AND AN ELECTROCARDIOGRAM BEFORE BEING PRESCRIBED A DRUG TO
RELIEVE ERECTILE DYSFUNCTION"

2. Page 1, line 11.

Strike: "7"

Insert: "8"

3. Page 1, line 12.

Following: "Abortion"

Insert: "and Electrocardiogram Prior to Erectile Dysfunction Drug"

4. Page 4.

Following: line 10

Insert: **Insert:** "NEW SECTION. Section 8. Electrocardiogram required before
erectile dysfunction drug prescribed -- compliance by providers -- penalties -- civil
remedies .(1)

A physician may not knowingly prescribe a drug to relive erectile dysfunction without first:

(a) requiring that the individual for whom the prescription is to be written be given an electrocardiogram examination; and (b) advising the individual who will receive the prescription concerning the results of the electrocardiogram and the effect of the use of a drug to relieve erectile dysfunction upon the individual consuming it.

(2) A physician who prescribes a drug to relieve erectile dysfunction without first complying with the requirements of subsection (1) is guilty of a misdemeanor and upon conviction shall be punished by a term of imprisonment, by a fine, or both as provided in [section 5].

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

(3) An individual who is prescribed a drug to relieve erectile dysfunction by a physician who fails to comply with subsection (1) may maintain an action against the physician for actual and punitive damages.

(4) A plaintiff or defendant who is successful in a civil action brought pursuant to subsection (3) may recover attorney fees in the same manner and to the same extent as provided in [section 6].

(5) In a civil or criminal proceeding or action brought under this section, the court shall rule whether the anonymity of the individual seeking the prescription and upon whom the electrocardiogram is performed must be protected from public disclosure to the same extent and in the same manner as provided in [section 7]."

Renumber: subsequent sections

5. Page 4, line 12.

Strike: "7"

Insert: "8"

6. Page 1, line 14.

Strike: "7"

Insert: "8"

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 28

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 71

Excused: Clark.

Total 1

Absent or not voting: None. Total 0

HB 280 - Representative Ingraham moved **HB 280** do pass. Motion **failed** as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Greef, Hale, Hansen, Harris, Hollandsworth, Howard, Ingraham, Kary,

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

Kennedy, Kerns, Knox, Lavin, Loney, MacLaren, McGillvray, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 47

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Welborn, Williams, Wilmer.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 42 - Representative Hollenbaugh moved **HB 42** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: Blyton, Burnett, Edmunds, Esp, Hale, Harris, Hendrick, Kennedy, Kerns, Knox, Lavin, More, Osmundson, Peterson, Randall, Regier, Skattum, Skees, C. Smith, Stahl, Wagner, Warburton.

Total 22

Excused: None.

Total 0

Absent or not voting: Howard.

Total 1

HJR 6 - Representative Connell moved **HJR 6** be adopted. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel,

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Burnett, Hansen, Kerns, Knox, Osmundson, Vance.

Total 6

Excused: None.

Total 0

Absent or not voting: Ankney, Warburton.

Total 2

HB 93 - Representative Furey moved **HB 93** do pass.

HB 93 - Representative McNutt moved **HB 93**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 4.

Following: line 2

Insert: "NEW SECTION. **Section 6. Termination.** [This act] terminates June 30, 2019."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees,

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton,
Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: Clark.
Total 1

Absent or not voting: None.
Total 0

HB 93 - Representative Furey moved **HB 93**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel,
Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp,
Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner,
Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin,
Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven,
McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez,
Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale,
Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor,
Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 89

Nays: G. Bennett, Blyton, Hale, Harris, Kennedy, Kerns, Knox, Skattum, C. Smith, Vance,
Wagner.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee
arose. House resumed. Mr. Speaker in the chair. Chairman Kary moved the Committee of the
Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel,
Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp,
Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hiner,
Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock,
Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty,
McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, O'Hara, O'Neil, Osmundson,

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2011

Pease-Lopez, Peterson, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 89

Nays: Barrett, Hill, McGillvray, More, Noonan, Phillips, Regier, Skees, Warburton.
Total 9

Excused: Clark.
Total 1

Absent or not voting: Hale.
Total 1

MOTIONS

Representative Burnett moved **HB 443** be moved from the Agriculture committee to the Business and Labor committee.

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 330**
Motion carried.

HB 330 (B. Bennett Chief Sponsor)
Representative G. Bennett, Hands, Knox.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 387**
Motion carried.

HB 387 (Flynn Chief Sponsor)
Representative Greef, Knudsen, Welborn.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Saturday, February 12, 2011. Motion carried.

House adjourned at 2:51 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
THIRTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
February 12, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. McChesney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Blasdel and Clark, excused. Quorum present.

BILLS (O'Hara, Chairman): 2/12/2011

Correctly printed: **HB 79, HB 81, HB 195, HB 401, HB 402, HB 411.**
Correctly engrossed: **HB 25, HB 230, HB 262, HB 352, HB 422.**

Representative G. Bennett thanked the pages.

MOTIONS

HB 218 - Representative Miller moved consideration of **HB 218** be passed for the day. Motion carried.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman): 2/11/2011
HB 25, introduced bill, be amended as follows:

1. Page 4, line 17 through line 21.

Strike: "A TREATMENT" on line 17 through "PROFESSIONALS." on line 21

2. Page 7, line 15 through line 18.

Strike: "A TREATMENT" on line 15 through "PROFESSIONALS." on line 18

3. Page 8, line 28 through page 9, line 1.

Strike: "A TREATMENT" on page 8, line 28 through "PROFESSIONALS." on page 9, line 1

And, as amended, do pass. Report adopted.

HB 79, do pass. Report adopted.

HB 81, do pass. Report adopted.

HB 195, do pass. Report adopted.

HB 230, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "ELIMINATING CERTAIN STAFF POSITIONS;"

HOUSE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2011

Insert: "PROVIDING AN IMPLEMENTATION PROCEDURE;"

2. Page 1, line 14.

Following: "apply:"

Insert: "However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply."

3. Page 2, line 7.

Strike: "staff and"

4. Page 2, line 8 through page 2, line 12.

Strike: line 8 through "bureau." on line 12

5. Page 2, line 12.

Strike: "department"

Insert: "board of crime control"

Strike: "other"

6. Page 2, line 13.

Strike: "department"

Insert: "board"

And, as amended, do pass. Report adopted.

HB 253, do pass. Report adopted.

HB 262, introduced bill, be amended as follows:

1. Page 1.

Following: line 15

Insert: "NEW SECTION. Section 3. Coordination instruction. If both House Bill No. 2 and [this act] are passed and approved and if House Bill No. 2 includes an appropriation for the emergency medical service providers grant program, then [section 2 of this act] is void."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Hendrick, Chairman):

2/11/2011

HB 352, introduced bill, be amended as follows:

1. Title, line 5.

Following: "CONTAMINANT LEVEL"

Insert: "FOR NITRATE"

2. Page 1, line 17.

Following: "contaminant level"

HOUSE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2011

Insert: "for nitrate"

And, as amended, do pass. Report adopted.

HB 402, do pass. Report adopted.

HB 411, do pass. Report adopted.

HB 422, introduced bill, be amended as follows:

1. Page 2, line 17.

Strike: "supervised, controlled, and directed"

Insert: "assigned, reviewed, accepted, or rejected"

And, as amended, do pass. Report adopted.

TRANSPORTATION (Vance, Chairman):

2/11/2011

HB 401, do pass. Report adopted.

MOTIONS

HB 243 - Representative Kary moved consideration of **HB 243** be passed for the day. Motion carried.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/11/2011

SB 210, introduced by Tutvedt

SB 247, introduced by Moss

SB 248, introduced by Gillan

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 511, introduced by Hendrick, referred to Business and Labor.

HB 512, introduced by O'Neil, referred to Taxation.

HB 513, introduced by Wagner, More, Edmunds, Hale, Kerns, Hendrick, Beck, Miller, Stahl, Randall, Skattum, Howard, O'Neil, G. Bennett, Skees, Salomon, Regier, Clark, Blyton, C. Smith, Ingraham, Blasdel, referred to State Administration.

HB 514, introduced by McClafferty, C. Williams, Wilmer, Malek, MacDonald, Sesso, Squires, Noonan, Price, McNally, Schmidt, Furey, Court, Phillips, Boland, F. Smith, Reinhart, Menahan, B. Bennett, Driscoll, Sands, Swanson, Hollenbaugh, Hands, Hunter, Hill, Belcourt, Di. Barrett, referred to Judiciary.

HB 515, introduced by Malek, Driscoll, Hiner, McClafferty, referred to Agriculture.

HB 516, introduced by Hansen, referred to Judiciary.

HOUSE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2011

HB 517, introduced by McNutt, referred to Transportation.

HB 518, introduced by Hunter, referred to Judiciary.

HB 519, introduced by Greef, referred to Judiciary.

HB 520, introduced by Wilmer, Hawks, Sands, C. Williams, referred to Appropriations.

HB 521, introduced by More, McGillvray, C. Smith, Edmunds, Wagner, Hinkle, Balyeat, referred to State Administration.

HB 522, introduced by Kary, Skees, Rosendale, Ehli, Loney, Edmunds, Reichner, Read, referred to Local Government.

HB 523, introduced by Arntzen, referred to Transportation.

HB 524, introduced by Kerns, referred to Agriculture.

HB 525, introduced by McNiven, Cook, O'Hara, Evans, Lavin, Ehli, O'Neil, Welborn, referred to Business and Labor.

HB 526, introduced by Edmunds, C. Smith, More, G. Bennett, Kerns, Arntzen, McGillvray, referred to Human Services.

HB 527, introduced by Knox, Buttrey, Hinkle, Stahl, Jackson, Regier, Steinbeisser, Skees, Kennedy, Brodehl, Osmundson, G. Bennett, Loney, Kerns, Randall, referred to Business and Labor.

HB 528, introduced by F. Smith, J. Peterson, Belcourt, Moore, Loney, G. Bennett, Brown, Hendrick, MacDonald, Milburn, Read, referred to State Administration.

HB 529, introduced by Stahl, referred to Local Government.

HB 530, introduced by Washburn, referred to State Administration.

HB 531, introduced by Fitzpatrick, referred to Business and Labor.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 13, introduced by Hansen, Knox, Hale, Howard, Wagner, Harris, Blyton, Read, Hinkle, Rosendale, Skattum, Vance, Cook, O'Hara, Kerns, Warburton, K. Peterson, Lewis, McNiven, Miller, More, Jackson, Balyeat, Cuffe, Stahl, Salomon, Kennedy, O'Neil, referred to Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Vance in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 239 - Representative C. Smith moved **HB 239** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara,

HOUSE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2011

O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 64

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Cuffe, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 365 - Representative Menahan moved **HB 365** do pass.

HB 365 - Representative Menahan moved **HB 365**, second reading copy, be amended as follows:

1. Page 1, line 20.

Strike: "if"

Insert: "and the judge upon findings supported by the facts that"

Amendment adopted as follows:

Yeas: Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Burnett, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Ankney, Bangerter, Brodehl, Cuffe, Hale, Harris, O'Neil, Peterson, Welborn.

Total 9

Excused: Blasdel, Clark.

Total 2

HOUSE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2011

Absent or not voting: None.

Total 0

HB 365 - Representative Menahan moved **HB 365**, as amended, do pass. Motion carried as follows:

Yeas: Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hands, Hansen, Harris, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Williams, Wilmer, Yates, Mr. Speaker.

Total 67

Nays: Ankney, Arntzen, G. Bennett, Blyton, Brodehl, Cuffe, Edmunds, Esp, Flynn, Greef, Hale, Hendrick, Hollandsworth, Kennedy, Kerns, Klock, Knox, McGillvray, McNiven, McNutt, Miller, O'Neil, Osmundson, Randall, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Vance, Washburn, Welborn.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 374 - Representative Hansen moved **HB 374** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

HOUSE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2011

Total 0

Absent or not voting: None.

Total 0

HB 287 - Representative McGillvray moved consideration of **HB 287** be passed for the day.
Motion carried.

HB 335 - Representative Menahan moved **HB 335** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Taylor, Vance, Washburn, Williams, Wilmer, Mr. Speaker.

Total 74

Nays: Ankney, G. Bennett, Burnett, Cuffe, Hale, Hendrick, Ingraham, Kennedy, Kerns, Knox, McGillvray, More, O'Neil, Osmundson, Peterson, Randall, Roberts, Skattum, Skees, Small, C. Smith, Stahl, Wagner, Warburton, Welborn, Yates.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 360 - Representative Salomon moved **HB 360** do pass.

HB 360 - Representative Wagner moved **HB 360**, second reading copy, be amended as follows:

1. Page 2, line 10.

Following: "passenger"

Insert: "16 years of age or older"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner,

HOUSE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2011

Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

Nays: Edmunds, Howard, Lavin, McNiven, Regier, Reichner.
Total 6

Excused: Blasdel, Clark.
Total 2

Absent or not voting: None.
Total 0

HB 360 - Representative Salomon moved **HB 360**, as amended, do pass. Motion carried as follows:

Yeas: Bangerter, Barrett, B. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Edmunds, Esp, Evans, Furey, Greef, Hands, Hansen, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Taylor, Wagner, Washburn, Williams, Wilmer, Yates.
Total 65

Nays: Ankney, Arntzen, B. Beck, Belcourt, G. Bennett, Brodehl, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Flynn, Gibson, Hale, Harris, Hendrick, Hiner, Ingraham, Kennedy, Kerns, Miller, O'Neil, Osmundson, Pease-Lopez, Randall, Roberts, Skattum, Small, C. Smith, Stahl, Vance, Warburton, Welborn, Mr. Speaker.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 277 - Representative Washburn moved **HB 277** do pass.

HB 277 - Representative Washburn moved **HB 277**, second reading copy, be amended as follows:

HOUSE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2011

1. Title, page 1, line 5.

Strike: "AND"

2. Title, page 1, line 6.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 16.

Following: line 2

Insert: "NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval."

Amendment adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

Nays: Ankney, Belcourt, McGillvray, O'Neil, Welborn.
Total 5

Excused: Blasdel, Clark.
Total 2

Absent or not voting: O'Hara.
Total 1

HB 277 - Representative Washburn moved **HB 277**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Barrett, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton,

HOUSE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2011

Washburn, Williams, Wilmer, Yates.

Total 85

Nays: Ankney, Bangerter, B. Beck, Berry, Esp, Fitzpatrick, Hale, Hoven, Miller, O'Neil, Peterson, Reichner, Stahl, Welborn, Mr. Speaker.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 213 - Representative Harris moved **HB 213** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates.

Total 89

Nays: B. Beck, Berry, Kary, Loney, O'Neil, Peterson, Reichner, Stahl, Welborn, Mr. Speaker.

Total 10

Excused: None.

Total 0

Absent or not voting: Roberts.

Total 1

HB 82 - Representative Sands moved **HB 82** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C.

HOUSE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2011

Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 95

Nays: Hale, Kerns, Knox, Warburton.
Total 4

Excused: None.
Total 0

Absent or not voting: Read.
Total 1

HB 251 - Representative Hoven moved **HB 251** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 89

Nays: B. Bennett, Boland, Esp, Fitzpatrick, Hale, Hands, Hill, Price, Schmidt, Sesso, Squires.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Vance moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts,

HOUSE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2011

Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 91

Nays: Boland, McNally, Price, Schmidt, F. Smith, Squires.
Total 6

Excused: Blasdel, Clark.
Total 2

Absent or not voting: Howard.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 307 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Mr. Speaker.
Total 76

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Malek, McClafferty, Noonan, O'Hara, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Wilmer, Yates.
Total 21

Excused: Blasdel, Clark.
Total 2

Absent or not voting: Howard.
Total 1

HB 42 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven,

HOUSE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2011

Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 76

Nays: Blyton, Burnett, Edmunds, Hale, Harris, Hendrick, Kennedy, Kerns, Knox, Miller, More, Osmundson, Peterson, Randall, Regier, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton.

Total 22

Excused: Blasdel, Clark.

Total 2

Absent or not voting: None.

Total 0

HB 93 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

Nays: Blyton, Hale, Harris, Kennedy, Kerns, Knox, Randall, Skattum, Skees, C. Smith, Vance.

Total 11

Excused: Blasdel, Clark.

Total 2

Absent or not voting: None.

Total 0

HJR 6 adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh,

HOUSE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2011

Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: B. Beck, Burnett, Hansen, Kennedy, Kerns, Knox, O'Neil, Osmundson, Vance.

Total 9

Excused: Blasdel, Clark.

Total 2

Absent or not voting: Harris.

Total 1

HB 179 adopted as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Hendrick, Hollandsworth, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 57

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Harris, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kary, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 41

Excused: Blasdel, Clark.

Total 2

Absent or not voting: None.

Total 0

MOTIONS

Representative McGillvray moved **HB 239** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 365** be moved from the Committee of the Whole after

HOUSE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2011

Second Reading to the Appropriations committee.

Representative Hendrick moved to change his vote on **HB 277** from Not Voting to Yes. Without objection, so ordered.

Representative Connell moved to change his vote on **HB 179** from No to Yes. Without objection, so ordered.

Representative Blyton moved to change his vote on **HB 82** from No to Yes. Without objection, so ordered.

Representative Sesso rose on a point of personal privilege for the purpose of encouraging the body to pay attention while voting in order to lessen the number of vote changes made.

Representative McGillvray rose on point of personal privilege for the purpose of instructing the body to pay attention while voting in order to lessen the number of vote changes made.

SPECIAL ORDERS OF THE DAY

Representative Sesso rose to bring attention to the Bill Status Sheet on everyone's desks.

Speaker Milburn announced that the House would convene at 12:30 p.m. on Monday, February 14, 2011.

Speaker Milburn announced that the body would receive the State of Education address on Wednesday, February 16, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 12:30 p.m., Monday, February 14, 2011. Motion carried.

House adjourned at 10:08 a.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
THIRTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
February 14, 2011

House Chambers
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Hill.
Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman): 2/14/2011

Correctly printed: **HB 252**.

Representative Regier introduced the pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman): 2/14/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following
attaches of the House be terminated as of 12:00 p.m., Saturday, February 12, 2011:

TITLE

NAME

Pages:

Matt McNeal, Pompey's Pillar
Theresa Wrzesinski, Twin Bridges
Kelsy Manger, White Sulphur Springs
Kirstian Honadel, Havre
Shannon Young, Pony
Canyon Rehbein, Lambert
Samantha Nyberg, Big Timber
Melissa Eder, Columbus

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday,
February 14, 2011:

TITLE

NAME

Pages:

Tyler Baker, Browning
Hannah Kuchinsky, Manhattan
Caroline Stiff, Billings
Hannah Feltis, Issaquah WA
Karly Schmitt, Spokane WA
Sierra Golberg, Red Lodge
Anna Kaercher, Havre
Cheyenne Schultz, Boulder

Report Adopted.

HOUSE JOURNAL
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 14, 2011

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman): 2/11/2011
HB 252, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/12/2011

SB 29, introduced by Moss
SB 57, introduced by Vuckovich
SB 215, introduced by Gallus
SB 223, introduced by Zinke

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 532, introduced by Berry, Fitzpatrick, referred to Judiciary.
HB 533, introduced by Berry, McChesney, Olson, Ankney, Small, referred to Natural Resources.
HB 534, introduced by Howard, referred to Judiciary.
HB 535, introduced by Knudsen, K. Peterson, referred to Business and Labor.
HB 536, introduced by Flynn, referred to Fish, Wildlife and Parks.
HB 537, introduced by Harris, referred to Fish, Wildlife and Parks.
HB 538, introduced by K. Peterson, O'Hara, referred to Local Government.
HB 539, introduced by O'Neil, referred to Human Services.
HB 540, introduced by O'Neil, referred to Business and Labor.
HB 541, introduced by Welborn, referred to Agriculture.
HB 542, introduced by Esp, referred to Local Government.
HB 543, introduced by Fitzpatrick, referred to State Administration.
HB 544, introduced by More, referred to Judiciary.
HB 545, introduced by Read, Sands, Skattum, Brodehl, referred to State Administration.
HB 546, introduced by Wagner, referred to Local Government.
HB 547, introduced by K. Peterson, referred to Business and Labor.
HB 548, introduced by Bangerter, Menahan, Hansen, referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 14, introduced by More, referred to Judiciary.

HOUSE JOURNAL
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 14, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Greef in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 318 - Representative Warburton moved consideration of **HB 318** be passed for the day. Motion carried.

HB 336 - Representative Menahan moved **HB 336** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Connell, Court, Driscoll, Ehli, Fitzpatrick, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kary, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Read, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Washburn, Welborn, Williams, Wilmer.

Total 53

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Clark, Cook, Cuffe, Edmunds, Esp, Evans, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, McGillvray, McNiven, McNutt, More, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Yates, Mr. Speaker.

Total 46

Excused: None.

Total 0

Absent or not voting: Miller.

Total 1

HB 354 - Representative Stahl moved **HB 354** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall,

HOUSE JOURNAL
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 14, 2011

Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 71

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 339 - Representative Bangerter moved **HB 339** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 94

Nays: Belcourt, Hale, Kennedy, Mehlhoff, Vance, Wagner.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 46 - Representative Ingraham moved **HB 46** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts,

HOUSE JOURNAL
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 14, 2011

Rosendale, Salomon, Sands, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 70

Nays: Barrett, Belcourt, Boland, Court, Driscoll, Furey, Hands, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 218 - Representative Miller moved **HB 218** do pass.

HB 218 - Representative Miller moved **HB 218**, second reading copy, be amended as follows:

1. Page 1, line 12.

Following: "~~tenets~~"

Insert: "and that prohibits its members from purchasing any form of insurance as being contrary to its religious tenets"

2. Page 1, line 14.

Strike: "SUBSECTIONS"

Insert: "subsection"

Strike: "AND (3) of this section"

3. Page 1, line 15.

Following: "~~denomination~~"

Insert: "or denomination"

4. Page 1, line 16.

Following: "~~denomination~~"

Insert: "or denomination"

5. Page 1, line 18 through line 20.

Strike: subsection (3) in its entirety

6. Page 1, line 21.

Strike: "(4)"

Insert: "(3)"

HOUSE JOURNAL
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 14, 2011

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 86

Nays: Barrett, Cook, Cuffe, Hands, Hollenbaugh, Kary, Kerns, Knox, Price, Reichner, Sands, Yates.

Total 12

Excused: None.

Total 0

Absent or not voting: Hunter, Phillips.

Total 2

HB 218 - Representative Miller moved **HB 218**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: Connell.

Total 1

HOUSE JOURNAL
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 14, 2011

HB 243 - Representative Kary moved **HB 243** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Gibson, Greef, Hands, Harris, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Peterson, Phillips, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, C. Smith, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 69

Nays: Barrett, Belcourt, B. Bennett, Burnett, Cuffe, Esp, Flynn, Furey, Hale, Hansen, Hendrick, Hill, Hiner, Hollenbaugh, Kennedy, Kerns, Knox, McClafferty, Miller, More, O'Neil, Pease-Lopez, Price, Randall, Rosendale, Skattum, Small, F. Smith, Squires, Vance, Welborn.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 348 - Representative Malek moved **HB 348** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Williams, Wilmer.
Total 61

Nays: B. Beck, Blasdel, Blyton, Burnett, Connell, Edmunds, Esp, Flynn, Hale, Hansen, Hendrick, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Salomon, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 39

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 14, 2011

HB 287 - Representative Clark moved **HB 287** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: Hands, McNiven.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 28 - Representative McNutt moved **HB 28** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 91

Nays: Hale, Howard, Knox, Loney, O'Neil, Regier, Small, Warburton.
Total 8

Excused: None.
Total 0

Absent or not voting: McChesney.
Total 1

HOUSE JOURNAL
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 14, 2011

HB 324 - Representative MacLaren moved **HB 324** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Kerns, O'Neil, Skattum, Skees, Wagner.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 263 - Representative Vance moved **HB 263** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 14, 2011

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Greef moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: B. Bennett, Price, Schmidt, F. Smith.

Total 4

Excused: None.

Total 0

Absent or not voting: Greef.

Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 82 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

HOUSE JOURNAL
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 14, 2011

Nays: Hale, Kerns, Knox, McGillvray, C. Smith.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 213 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates.

Total 93

Nays: G. Bennett, Kary, Loney, O'Neil, Peterson, Welborn, Mr. Speaker.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 251 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

HOUSE JOURNAL
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 14, 2011

Nays: B. Bennett, Berry, Boland, Fitzpatrick, Hale, Hands, McClafferty, Phillips, Price, Schmidt, Sesso, Squires.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 277 passed as follows:

Yeas: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates.
Total 89

Nays: Bangerter, B. Beck, G. Bennett, Berry, Esp, Hale, O'Neil, Peterson, Reichner, Welborn, Mr. Speaker.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 335 passed as follows:

Yeas: Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Taylor, Washburn, Williams, Wilmer, Mr. Speaker.
Total 66

Nays: Ankney, Arntzen, G. Bennett, Berry, Blasdel, Burnett, Cuffe, Esp, Hale, Harris, Hendrick,

HOUSE JOURNAL
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 14, 2011

Ingraham, Kary, Kennedy, Kerns, Knox, McGillvray, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Skattum, Skees, Small, C. Smith, Stahl, Vance, Wagner, Warburton, Welborn, Yates.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 360 passed as follows:

Yeas: Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blasdel, Blyton, Boland, Clark, Connell, Edmunds, Esp, Evans, Furey, Greef, Hands, Hansen, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Peterson, Phillips, Price, Read, Regier, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Squires, Stahl, Swanson, Taylor, Washburn, Williams, Wilmer, Yates.

Total 60

Nays: Ankney, Arntzen, Belcourt, G. Bennett, Brodehl, Burnett, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Flynn, Gibson, Hale, Harris, Hendrick, Hiner, Ingraham, Kary, Kennedy, Kerns, Klock, Miller, O'Neil, Osmundson, Pease-Lopez, Randall, Reichner, Roberts, Skattum, Skees, Small, C. Smith, F. Smith, Vance, Wagner, Warburton, Welborn, Mr. Speaker.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 374 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

HOUSE JOURNAL
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 14, 2011

Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Representative McGillvray moved **HB 46** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 243** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Speaker Milburn announced that the House would reconvene at 2:00 p.m. Monday, February 15, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 2:00 p.m., Tuesday, February 15, 2011. Motion carried.

House adjourned at 2:50 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
THIRTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
February 15, 2011

House Chambers
State Capitol

House convened at 2:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. MacLaren. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman): 2/15/2011

Correctly printed: **HB 227, HB 299, HB 306, HB 312, HB 321, HB 334, HB 377, HB 399, HB 408, HB 409, HB 410, HB 414, HB 428, HB 490, HB 492.**

Correctly engrossed: **HB 116, HB 122, HB 134, HB 135, HB 310, HB 362, HB 386, HB 389, HB 412, HB 429, HB 438, HB 480.**

Correctly enrolled: **HB 21, HB 60.**

Examined by the sponsor and found to be correct: **HB 21, HB 60.**

Signed by the Speaker at 5:06 p.m., February 15, 2011: **HB 21.**

Signed by the Chief Clerk of the House at 4:30 p.m., February 15, 2011: **HB 21.**

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman): 2/14/2011
HB 334, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 2/14/2011
HB 414, do pass. Report adopted.

HUMAN SERVICES (Howard, Chairman): 2/11/2011
HB 312, do pass. Report adopted.
HB 377, do pass. Report adopted.

HUMAN SERVICES (Howard, Chairman): 2/14/2011
HB 227, do pass. Report adopted.
HB 389, introduced bill, be amended as follows:

1. Page 1, line 18.

Strike: "fine"

Insert: "civil penalty"

Following: "violation"

Insert: ", which must be distributed as provided in 3-10-601(3)"

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

2. Page 1, line 19.

Strike: subsection (4) in its entirety

And, as amended, do pass. Report adopted.

HB 409, do pass. Report adopted.

HB 410, do pass. Report adopted.

HB 429, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "TELEMEDICINE"

Insert: "ELECTRONIC MEANS TO CONDUCT EXAMS"

2. Title, page 1, line 10.

Following: "SECTIONS"

Insert: "37-1-316,"

3. Page 1, line 15.

Insert: "**Section 1.** Section 37-1-316, MCA, is amended to read:

"37-1-316. Unprofessional conduct. The following is unprofessional conduct for a licensee or license applicant governed by this part:

(1) conviction, including conviction following a plea of nolo contendere, of a crime relating to or committed during the course of the person's practice or involving violence, use or sale of drugs, fraud, deceit, or theft, whether or not an appeal is pending;

(2) permitting, aiding, abetting, or conspiring with a person to violate or circumvent a law relating to licensure or certification;

(3) fraud, misrepresentation, deception, or concealment of a material fact in applying for or assisting in securing a license or license renewal or in taking an examination required for licensure;

(4) signing or issuing, in the licensee's professional capacity, a document or statement that the licensee knows or reasonably ought to know contains a false or misleading statement;

(5) a misleading, deceptive, false, or fraudulent advertisement or other representation in the conduct of the profession or occupation;

(6) offering, giving, or promising anything of value or benefit to a federal, state, or local government employee or official for the purpose of influencing the employee or official to circumvent a federal, state, or local law, rule, or ordinance governing the licensee's profession or occupation;

(7) denial, suspension, revocation, probation, fine, or other license restriction or discipline against a licensee by a state, province, territory, or Indian tribal government or the federal government if the action is not on appeal, under judicial review, or has been satisfied;

(8) failure to comply with a term, condition, or limitation of a license by final order of a board;

(9) revealing confidential information obtained as the result of a professional relationship without the prior consent of the recipient of services, except as authorized or required by law;

(10) use of alcohol, a habit-forming drug, or a controlled substance as defined in Title 50,

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

chapter 32, to the extent that the use impairs the user physically or mentally in the performance of licensed professional duties;

(11) having a physical or mental disability that renders the licensee or license applicant unable to practice the profession or occupation with reasonable skill and safety;

(12) engaging in conduct in the course of one's practice while suffering from a contagious or infectious disease involving serious risk to public health or without taking adequate precautions, including but not limited to informed consent, protective gear, or cessation of practice;

(13) misappropriating property or funds from a client or workplace or failing to comply with a board rule regarding the accounting and distribution of a client's property or funds;

(14) interference with an investigation or disciplinary proceeding by willful misrepresentation of facts, by the use of threats or harassment against or inducement to a client or witness to prevent them from providing evidence in a disciplinary proceeding or other legal action, or by use of threats or harassment against or inducement to a person to prevent or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted, or completed;

(15) assisting in the unlicensed practice of a profession or occupation or allowing another person or organization to practice or offer to practice by use of the licensee's license;

(16) failing to report the institution of or final action on a malpractice action, including a final decision on appeal, against the licensee or of an action against the licensee by a:

(a) peer review committee;

(b) professional association; or

(c) local, state, federal, territorial, provincial, or Indian tribal government;

(17) failure of a health care provider, as defined in 27-6-103, to comply with a policy or practice implementing 28-10-103(3)(a);

(18) conduct that does not meet the generally accepted standards of practice. A certified copy of a malpractice judgment against the licensee or license applicant or of a tort judgment in an action involving an act or omission occurring during the scope and course of the practice is conclusive evidence of but is not needed to prove conduct that does not meet generally accepted standards;

(19) the sole use of any electronic means, including teleconferencing, to obtain the information required for the physician affidavit that would be used to petition a court for authorization for the medical use of marijuana as provided in Title 50, chapter 46."

Renumber: subsequent sections

4. Page 4, line 13.

Following: "perjury"

Insert: "-- confidentiality"

5. Page 8, line 14.

Following: "(16)"

Insert: "(a)"

6. Page 8, line 16.

Following: "affidavit,"

Insert: "and"

Following: "documentation"

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

Strike: ", and court order"

Insert: "are confidential and"

7. Page 8, line 20.

Following: "only"

Strike: "necessary"

Insert: "allowed by a court"

8. Page 8, line 22.

Strike: "(a)"

Insert: "(i)"

9. Page 8, line 24.

Strike: "(b)"

Insert: "(ii)"

10. Page 8.

Following: line 26

Insert: "(b) A court order allowing the medical use of marijuana by a petitioner is a public document."

11. Page 10, line 17.

Following: "(c)"

Insert: "except as provided in subsection (2),"

12. Page 10, line 25.

Following: "worship;"

Strike: "or"

13. Page 10.

Following: line 25

Insert: "(vii) in a health care facility as defined in 50-5-101; or"

Renumber: subsequent subsection

14. Page 10.

Following: line 26

Insert: "(2) A hospice licensed under Title 50, chapter 5, may adopt a policy that allows medical use of marijuana."

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):

2/14/2011

HB 306, do pass. Report adopted.

HB 310, introduced bill, be amended as follows:

STATE INTERNET/BBS COPY

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

1. Title, page 1, line 7.

Following: "OF"

Insert: "PURPOSE AND"

2. Title, page 1, line 7 through line 8.

Strike: "AND" on line 7 through "LINES" on line 8

3. Title, page 1, line 8.

Strike: "AND"

4. Title, page 1, line 9.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

5. Page 1.

Following: line 11

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 13-27-202, MCA, is amended to read:

"13-27-202. Recommendations -- approval of form required. (1) A proponent of a ballot issue shall submit the text of the proposed ballot issue to the secretary of state together with draft ballot issue statements intended to comply with 13-27-312. Petitions may not be circulated for the purpose of signature gathering more than 1 year prior to the final date for filing the signed petition with the county election administrator. The secretary of state shall forward a copy of the text of the proposed issue and statements to the legislative services division for review.

(2) (a) The legislative services division staff shall review the text and statements for clarity, consistency, and conformity with the most recent edition of the bill drafting manual furnished by the legislative services division, the requirements of 13-27-312, and any other factors that the staff considers when drafting proposed legislation.

(b) Within 14 days after submission of the text and statements, the legislative services division staff shall recommend in writing to the proponent revisions to the text and revisions to the statements to make them consistent with any recommendations for change to the text and the requirements of 13-27-312 or state that no revisions are recommended.

(c) The proponent shall consider the recommendations and respond in writing to the legislative services division, accepting, rejecting, or modifying each of the recommended revisions. If revisions are not recommended, a response is not required.

(3) The legislative services division shall furnish a copy of the correspondence provided for in subsection (2) to the secretary of state, who shall make a copy of the correspondence available to any person upon request.

(4) Before a petition may be circulated for signatures, the final text of the proposed issue and ballot statements must be submitted to the secretary of state. The secretary of state shall reject the proposed issue if the text or a ballot statement contains material not submitted to the legislative services division that is a substantive change not recommended by the legislative services division. If accepted, the secretary of state shall refer a copy of the proposed issue and statements to the attorney general for a determination as to the legal sufficiency of the issue and

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

for approval of the petitioner's ballot statements and for a determination pursuant to 13-27-312 as to whether a fiscal note is necessary.

(5) (a) The secretary of state shall review the legal sufficiency opinion and ballot statements of the petitioner, as approved by the attorney general and received pursuant to 13-27-312.

(b) If the attorney general approves the proposed issue, the secretary of state shall immediately send to the person submitting the proposed issue a sample petition form, including the text of the proposed issue, the statement of purpose and implication, and the for and against statements ~~of implication~~, as prepared by the petitioner, reviewed by the legislative services division, and approved by the attorney general and in the form provided by this part. A signature gatherer may circulate the petition only in the form of the sample prepared by the secretary of state. The secretary of state shall immediately provide a copy of the sample petition form to any interested parties who have made a request to be informed of an approved petition.

(c) If the attorney general rejects the proposed issue, the secretary of state shall send written notice to the person who submitted the proposed issue of the rejection, including the attorney general's legal sufficiency opinion.

(d) If an action is filed challenging the validity of the petition, the secretary of state shall immediately notify the person who submitted the proposed issue."

Insert: "Section 2. Section 13-27-204, MCA, is amended to read:

"13-27-204. Petition for initiative. (1) The following is substantially the form for a petition calling for a vote to enact a law by initiative:

PETITION TO PLACE INITIATIVE NO. _____
ON THE ELECTION BALLOT

(a) If 5% of the voters in each of one-half of the counties sign this petition and the total number of voters signing this petition is _____, this initiative will appear on the next general election ballot. If a majority of voters vote for this initiative at that election, it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following initiative on the _____, 20____, general election ballot:

(Title of initiative written pursuant to 13-27-312)

(Statement of purpose and implication written pursuant to 13-27-312)

(For and against statements written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the initiative, which appears (on the reverse side of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the initiative on the ballot and does not necessarily mean the signer agrees with the initiative.

(d)

WARNING

A person who purposefully signs a name other than the person's own to this petition, who signs more than once for the same issue at one election, or who signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration card or the signature will not be counted.

(2) Numbered lines must follow the heading. Each numbered line must contain spaces for the signature, date, residence address, county of residence, and printed last name and first and

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

middle initials of the signer. In place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number. An address provided on a petition by the signer that differs from the signer's address as shown on the signer's voter registration card may not be used as the only means to disqualify the signature of that petition signer."

Insert: "Section 3. Section 13-27-205, MCA, is amended to read:

"13-27-205. Petition for referendum. (1) The following is substantially the form for a petition calling for approval or rejection of an act of the legislature by the referendum:

PETITION TO PLACE REFERENDUM NO. ____
ON THE ELECTION BALLOT

(a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing the petition is ____, Senate (House) Bill Number ____ will appear on the next general election ballot. If a majority of voters vote for this referendum at that election it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following Senate (House) Bill Number ____, passed by the legislature on _____ on the next general election ballot:

(Title of referendum written pursuant to 13-27-312)
(Statement of purpose and implication written pursuant to 13-27-312)
(For and against statements written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the referendum, which appears (on the reverse side of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the referendum on the ballot and does not necessarily mean the signer agrees with the referendum.

(d)

WARNING

A person who purposefully signs a name other than the person's own to this petition, who signs more than once for the same issue at one election, or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration card or the signature will not be counted.

(2) Numbered lines must follow the heading. Each numbered line must contain spaces for the signature, date, residence address, legislative representative district number, and printed last name and first and middle initials of the signer. In place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number. An address provided on a petition by the signer that differs from the signer's address as shown on the signer's voter registration card may not be used as the only means to disqualify the signature of that petition signer."

Insert: "Section 4. Section 13-27-206, MCA, is amended to read:

"13-27-206. Petition for initiative for constitutional convention. (1) The following is substantially the form for a petition to direct the secretary of state to submit to the qualified voters the question of whether there will be a constitutional convention:

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

PETITION TO PLACE
INITIATIVE NO.____, CALLING FOR
A CONSTITUTIONAL CONVENTION, ON
THE ELECTION BALLOT

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing this petition is _____, the question of whether to have a constitutional convention will appear on the next general election ballot. If a majority of voters vote for the constitutional convention, the legislature shall call for a constitutional convention at its next session.

(b) We, the undersigned Montana voters, propose that the secretary of state place the question of whether to hold a constitutional convention on the _____, 20____, general election ballot:

(Title of the initiative written pursuant to 13-27-312)

(Statement of purpose and implication written pursuant to 13-27-312)

(For and against statements written pursuant to 13-27-312)

(c) A signature on this petition is only to put the call for a constitutional convention on the ballot and does not necessarily mean the signer is in favor of calling a constitutional convention.

(d)

WARNING

A person who purposefully signs a name other than the person's own to this petition, who signs more than once for the same issue at one election, or who signs when not a legally registered Montana voter is subject to a \$500 fine or 6 months in jail, or both.

(e) Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration card or the signature will not be counted.

(2) Numbered lines must follow the heading. Each numbered line must also contain spaces for the signature, residence address, legislative representative district number, and printed last name and first and middle initials of the signer. In place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number. An address provided on a petition by the signer that differs from the signer's address as shown on the signer's voter registration card may not be used as the only means to disqualify the signature of that petition signer."

Insert: "Section 5. Section 13-27-207, MCA, is amended to read:

"13-27-207. Petition for initiative for constitutional amendment. (1) The following is substantially the form for a petition for an initiative to amend the constitution:

PETITION TO PLACE CONSTITUTIONAL
AMENDMENT NO.____ ON
THE ELECTION BALLOT

(a) If 10% of the voters in each of one-half of the counties sign this petition and the total number of voters signing the petition is _____, this constitutional amendment will appear on the next general election ballot. If a majority of voters vote for this amendment at that election, it will become part of the constitution.

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

(b) We, the undersigned Montana voters, propose that the secretary of state place the following constitutional amendment on the _____, 20__, general election ballot:

(Title of the proposed constitutional amendment written pursuant to 13-27-312)

(Statement of purpose and implication written pursuant to 13-27-312)

(For and against statements written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the constitutional amendment, which appears (on the reverse side of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the constitutional amendment on the ballot and does not necessarily mean the signer agrees with the amendment.

(d)

WARNING

A person who purposefully signs a name other than the person's own to this petition, who signs more than once for the same issue at one election, or who signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration card or the signature will not be counted.

(2) Numbered lines must follow the heading. Each numbered line must contain spaces for the signature, date, residence address, county of residence, and printed last name and first and middle initials of the signer. In place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number. An address provided on a petition by the signer that differs from the signer's address as shown on the signer's voter registration card may not be used as the only means to disqualify the signature of that petition signer."

Insert: "Section 6. Section 13-27-312, MCA, is amended to read:

"13-27-312. Review of proposed ballot issue and statements by attorney general -- preparation of fiscal note. (1) Upon receipt of a proposed ballot issue and statements from the office of the secretary of state pursuant to 13-27-202, the attorney general shall examine the proposed ballot issue for legal sufficiency as provided in this section and shall determine whether the ballot statements comply with the requirements of this section.

(2) The attorney general shall, in reviewing the ballot statements, endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general shall review the ballot statements to determine if they contain the following matters:

(a) a statement of purpose and implication, not to exceed ~~400~~ 135 words, explaining the purpose and implication of the issue; and

(b) ~~statements, not to exceed 25 words each, explaining the implications of a vote for and a vote against the issue~~ for and against statements in the form prescribed in subsection (6).

(3) If the proposed ballot issue has an effect on the revenue, expenditures, or fiscal liability of the state, the attorney general shall order a fiscal note incorporating an estimate of the effect, the substance of which must substantially comply with the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected by the ballot issue, is responsible for preparing the fiscal note and shall return it to the attorney general within 10 days. If the fiscal note indicates a fiscal impact, the attorney general shall prepare a fiscal statement of no more than 50

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

words, and the statement must be used on the petition and ballot if the issue is placed on the ballot.

(4) The ballot statements must express the true and impartial explanation of the proposed ballot issue in plain, easily understood language and may not be arguments or written so as to create prejudice for or against the issue.

(5) Unless altered by the court under 13-27-316, the statement of purpose and implication is the petition title for the issue circulated by the petition and the ballot title if the issue is placed on the ballot.

(6) The ~~statements of implication for and against statements~~ must be written so that a positive vote indicates support for the issue and a negative vote indicates opposition to the issue and must be placed beside the diagram provided for marking of the ballot in a manner similar to ~~but not limited to~~ the following example:

☐ FOR ~~extending the right to vote to persons 18 years of age~~ (insert the type of ballot issue and its number)

☐ AGAINST ~~extending the right to vote to persons 18 years of age~~ (insert the type of ballot issue and its number)

(7) The attorney general shall review the proposed ballot issue for legal sufficiency. As used in this part, "legal sufficiency" means that the petition complies with statutory and constitutional requirements governing submission of the proposed issue to the electors. Review of the petition for legal sufficiency does not include consideration of the substantive legality of the issue if approved by the voters. The attorney general shall also determine if the proposed issue conflicts with one or more issues that may appear on the ballot at the same election.

(8) (a) Within 30 days after receipt of the proposed issue from the secretary of state, the attorney general shall forward to the secretary of state an opinion as to the issue's legal sufficiency.

(b) If the attorney general determines that the proposed ballot issue is legally sufficient, the attorney general shall also forward to the secretary of state the petitioner's ballot statements that comply with the requirements of this section. If the attorney general determines in writing that a ballot statement clearly does not comply with the requirements of this section, the attorney general shall prepare a statement that complies with the requirements of this section, forward that statement to the secretary of state as the approved statement, and provide a copy to the petitioner. The attorney general shall give the secretary of state notice of whether the proposed issue conflicts with one or more issues that may appear on the ballot at the same election.

(c) If the attorney general determines that the proposed ballot issue is not legally sufficient, the secretary of state may not deliver a sample petition form unless the attorney general's opinion is overruled pursuant to 13-27-316 and the attorney general has approved or prepared ballot statements under this section."

Insert: "Section 7. Section 13-27-315, MCA, is amended to read:

"13-27-315. Statements by attorney general on issues referred by legislature. Upon receipt of ~~an a ballot~~ issue referred by the legislature from the secretary of state pursuant to 13-27-209, the attorney general shall prepare and forward to the secretary of state, within 30 days, ballot statements as provided in 13-27-312, except that the attorney general may not prepare ~~statements~~ a statement of purpose and implication of a vote for or against a ballot issue if the ~~statements have~~ statement has been provided by the legislature."

Insert: "Section 8. Section 13-27-501, MCA, is amended to read:

"13-27-501. Secretary of state to certify ballot form. (1) The secretary of state shall furnish to the official of each county responsible for preparation of the ballots, at the same time as

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

the election administrator certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of the form in which each ballot issue to be voted on by the people at that election is to appear on the ballot.

- (2) The secretary of state shall list for each ballot issue:
- (a) the number;
 - (b) the method of placement on the ballot;
 - (c) the title;
 - (d) the attorney general's explanatory statement, if applicable;
 - (e) the fiscal statement, if applicable;
 - (f) the ~~statements~~ statement of the purpose and implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot;
 - (g) the for and against statements; and
 - ~~(g)~~(h) a statement that the ballot issue conflicts with one or more issues, referenced by number, that also appear on the ballot, if applicable.

(3) When required to do so, the secretary of state shall use for each ballot issue the title of the legislative act or legislative constitutional proposal or the title provided by the attorney general or district court. Following the number of the ballot issue, the secretary of state, when required to do so, shall include one of the following statements to identify why the issue has been placed on the ballot:

- (a) an act referred by the legislature;
- (b) an amendment to the constitution proposed by the legislature;
- (c) an act of the legislature referred by referendum petition; or
- (d) a law or constitutional amendment proposed by initiative petition."

Insert: "NEW SECTION. Section 9. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 362, introduced bill, be amended as follows:

1. Page 28, line 8.

Strike: "three"

Insert: "one"

Strike: "trips"

Insert: "trip"

And, as amended, do pass. Report adopted.

HB 386, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "VEHICLES;"

Insert: "REVISING THE AGENCY RESPONSIBLE FOR COMPLIANCE WITH FUEL ECONOMY STANDARDS;"

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

2. Title, page 1, line 8.

Following: "2-17-414,"

Insert: "2-17-415,"

3. Title, page 1, line 8.

Strike: "AND"

Following: "2-17-422,"

Insert: "AND 2-17-423,"

4. Page 1, line 21.

Following: "patrol"

Insert: ", the general services division of the department of administration, or the disaster and emergency services division of the department of military affairs"

5. Page 1, line 22.

Following: line 21

Insert: "(5) The provisions of this section do not apply to an entity listed in subsection (2) if the department of transportation is unable to accommodate the entity's needs or if the entity is located outside of Helena."

6. Page 2, line 17.

Following: line 16

Insert: "**Section 4.** Section 2-17-415, MCA, is amended to read:

"2-17-415. Definitions. As used in 2-17-415 through 2-17-418, the following definitions apply:

(1) "Agency" has the meaning provided in 2-15-102, but does not include the office of the governor, the attorney general, or the highway patrol.

(2) "CAFE standard" means the average fuel economy standard as provided in 49 U.S.C. 32904.

(3) "Department" means the department of ~~administration~~ transportation provided for in ~~2-15-1001~~ 2-15-2501.

(4) "Director" means the director of the department.

(5) "Vehicle fleet" means all state vehicles that are owned by the state of Montana except those used in the service of the governor, the attorney general, or the highway patrol.""

Renumber: subsequent sections

7. Page 2, line 20.

Strike: "of the department of transportation"

Insert: "of each agency that uses or leases motor vehicles from the department"

8. Page 3, line 10.

Following: "The department shall"

Insert: "coordinate with the department of administration to"

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

9. Page 3, line 14 and line 15.

Strike: "of transportation"

10. Page 3, line 25.

Following: line 24

Insert: **"Section 9.** Section 2-17-423, MCA, is amended to read:

"2-17-423. Rules. (1) The department of transportation may adopt and enforce reasonable rules governing the maintenance and operation of motor vehicles under control of the department.

(2) The department shall establish reasonable rules governing:

(a) the manner and procedure by which motor pool vehicles may be rented or leased to state officials, state agencies, or state employees;

(b) procedures for determining when a motor pool vehicle is not available for use; ~~and~~

(c) rental charges for a motor pool vehicle that may include reimbursement of actual costs for administration, maintenance, service, operation, storage, replacement, and disposal costs; and

(d) when an entity listed in 2-17-411(2) may rent a vehicle from a private company.

(3) The department shall adopt and formulate travel rules providing:

(a) for scheduling of motor pool vehicles and filing an application for travel showing destination and date and time of departure and;

(b) for filing a report upon completion of the trip, showing mileage traveled and date and time of return.""

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

2/14/2011

HB 21, introduced by Di. Barrett

HB 60, introduced by MacLaren

Senate bill concurred in and returned to the House:

2/14/2011

SB 89, introduced by Wittich

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 549, introduced by Read, Wagner, Knox, Loney, More, Howard, Beck, C. Smith, G. Bennett, O'Neil, Warburton, Kerns, Arntzen, Klock, McNutt, Hale, Blyton, Skees, Skattum, Roberts, Rosendale, Hollandsworth, Regier, Randall, McNiven, Harris, Miller, Burnett, Edmunds, Osmundson, Lavin, referred to Natural Resources.

HB 550, introduced by Read, More, Harris, Kennedy, Knox, Arntzen, Burnett, Klock, Beck, Roberts, G. Bennett, Howard, Wagner, Hollandsworth, C. Smith, Miller, O'Neil, Kerns, Blyton, Warburton,

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

Hale, Skattum, Skees, Regier, Lavin, Rosendale, Randall, Osmundson, McNiven, Edmunds, referred to Federal Relations, Energy, and Telecommunications.

HB 551, introduced by Flynn, referred to Human Services.

HB 552, introduced by Hale, Skees, Roberts, Brodehl, Read, referred to Local Government.

HB 553, introduced by Vance, Roberts, Walker, Reinhart, Hunter, Keane, Zinke, referred to Business and Labor.

HB 554, introduced by Randall, referred to Fish, Wildlife and Parks.

HB 555, introduced by Fitzpatrick, referred to Business and Labor.

HB 556, introduced by Osmundson, referred to State Administration.

HB 557, introduced by O'Neil, Knox, Kennedy, Skees, Brodehl, referred to State Administration.

HB 558, introduced by O'Neil, Skees, Windy Boy, referred to Education.

HB 559, introduced by Esp, referred to Human Services.

HB 560, introduced by Arntzen, referred to Local Government.

HB 561, introduced by Arntzen, referred to Local Government.

HB 562, introduced by Arntzen, referred to Local Government.

HB 563, introduced by Arntzen, referred to Business and Labor.

HB 564, introduced by Arntzen, referred to Local Government.

HB 565, introduced by Noonan, referred to Human Services.

HB 566, introduced by Yates, referred to Fish, Wildlife and Parks.

HB 574, introduced by Warburton, referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 15, introduced by Reinhart, Wilmer, Facey, Larsen, Erickson, Hawks, Gillan, Hunter, Jent, Wanzenried, Phillips, Stewart-Peregoy, Caferro, Keane, Vuckovich, McClafferty, Augare, C. Williams, Sesso, Van Dyk, F. Smith, Hiner, Boland, MacDonald, K. Williams, Belcourt, B. Bennett, Sands, Pease-Lopez, Court, Malek, Menahan, Driscoll, Hollenbaugh, Hill, Swanson, Hands, Schmidt, McChesney, Furey, Price, McNally, Blewett, Noonan, Klock, Di. Barrett, referred to Transportation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Osmundson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 318 - Representative Warburton moved **HB 318** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl,

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, McNiven, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Excused: None.
Total 0

Absent or not voting: Kerns.
Total 1

HB 206 - Representative MacLaren moved **HB 206** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

HB 237 - Representative Menahan moved **HB 237** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 76

Nays: Barrett, B. Bennett, Boland, Court, Hale, Hands, Hill, Hollenbaugh, MacDonald, Malek, McNally, Mehlhoff, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer, Yates.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 264 - Representative Vance moved **HB 264** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 90

Nays: G. Bennett, Berry, Blasdel, Fitzpatrick, Klock, McGillvray, Peterson, Welborn.
Total 8

Excused: None.
Total 0

Absent or not voting: Howard, Kennedy.
Total 2

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

HB 295 - Representative Cook moved **HB 295** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Arntzen, Knox.

Total 2

HB 265 - Representative Vance moved **HB 265** do pass. Motion carried as follows:

Yeas: Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Kary, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates.

Total 79

Nays: Ankney, Arntzen, G. Bennett, Berry, Burnett, Cuffe, Evans, Fitzpatrick, Hendrick, Hoven, Howard, Kennedy, Kerns, Klock, Knox, McGillvray, Reichner, Skattum, Stahl, Welborn, Mr. Speaker.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

HB 379 - Representative Menahan moved **HB 379** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 81

Nays: Belcourt, G. Bennett, Cuffe, Hale, Hendrick, Ingraham, Kennedy, Kerns, Miller, More, O'Neil, Osmundson, Rosendale, Skattum, Skees, Small, C. Smith, Vance, Wagner.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 83 - Representative Berry moved **HB 83** do pass.

HB 83 - Representative Kennedy moved **HB 83**, second reading copy, be amended as follows:

1. Page 6, line 23.

Strike: "allowing"

Insert: "requiring"

2. Page 7, line 12.

Strike: "may"

Insert: "shall"

3. Page 7, line 14.

Strike: "may"

Insert: "shall"

Amendment **not** adopted as follows:

Yeas: B. Beck, Blasdel, Blyton, Burnett, Clark, Connell, Cuffe, Edmunds, Evans, Hale, Hansen, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, Vance, Wagner.
Total 31

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

Nays: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Cook, Court, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 69

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 83 - Representative Berry moved **HB 83** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 85

Nays: G. Bennett, Cuffe, Edmunds, Hale, Kennedy, Kerns, Knudsen, McGillvray, Miller, O'Neil, Randall, Skattum, Small, C. Smith, Wagner.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 86 - Representative Wilmer moved **HB 86** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney,

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Hale, Kerns, Randall, Skattum, Vance, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: B. Bennett, Fitzpatrick, Hill, Noonan, Phillips, Price, F. Smith, Squires.

Total 8

Excused: None.

Total 0

Absent or not voting: Furey.

Total 1

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman):

2/15/2011

HB 399, do pass. Report adopted.

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

HB 408, do pass. Report adopted.

HB 428, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

2/15/2011

HB 299, do pass. Report adopted.

HB 321, do pass. Report adopted.

HB 412, introduced bill, be amended as follows:

1. Title, line 6.

Following: "PROVIDE"

Insert: "A CERTAIN AMOUNT OF"

2. Page 2, line 7.

Following: "assistance"

Insert: "in the amount of \$100 or more"

3. Page 2, line 8.

Following: "(b)"

Strike: "The party enjoined or restrained may request a copy of the affidavit"

Insert: "A party obtaining a restraining order or an injunction shall serve or have served a copy of the affidavit upon the party restrained or enjoined at the time that the affidavit is"

And, as amended, do pass. Report adopted.

HB 438, introduced bill, be amended as follows:

1. Page 2, line 14.

Following: "claim"

Insert: "by one of the parties against the other"

2. Page 2, line 14 through line 15.

Strike: "of one" on line 14 through "other" on line 15

Insert: ", physical abuse of a child, or abandonment"

3. Page 2, line 15.

Following: "abuse"

Insert: "or abandonment"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

HB 480, introduced bill, be amended as follows:

1. Title, line 4.

Following: "OF"

Insert: "A JUSTICE OF THE PEACE FOR A JUSTICE'S COURT NOT OF RECORD,"

Following: "ATTORNEY"

Insert: " ,"

2. Page 1, line 13.

Following: "record, "

Insert: "another justice of the peace for a justice's court not of record,"

And, as amended, do pass. Report adopted.

HB 490, do pass. Report adopted.

HB 492, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):

2/15/2011

HB 116, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 9.

Strike: "INCREASING" on line 8 through ";" on line 9

2. Title, page 1, line 12.

Strike: "19-20-607,"

3. Page 8, line 1 through line 15.

Strike: section 9 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 122, introduced bill, be amended as follows:

1. Title, page 1, line 11, through page 1, line 12.

Strike: "INCREASING" on line 11 through ";" on line 12

2. Title, page 1, line 12.

Strike: "19-3-316, 19-3-319,"

3. Page 4, line 3 through page 5, line 17.

Strike: section 3 through section 4 in their entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

HB 134, introduced bill, be amended as follows:

1. Title, page 1, line 7, through page 1, line 8.

Strike: "AND" on line 7 through "SYSTEM" on line 8

2. Title, page 1, line 9.

Strike: "SECTIONS" on line 9.

Insert: "SECTION"

Strike: "AND 19-8-504"

3. Page 2, line 13 through line 24.

Strike: section 2 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 135, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.

Strike: "INCREASING" on line 7 through ";" on line 8

2. Title, page 1, line 8.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND"

3. Title, page 1, line 9.

Strike: "19-7-404"

4. Page 2, line 14 through page 3, line 8.

Strike: section 2 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 28 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth,

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

Nays: G. Bennett, Esp, Hale, Hansen, Kennedy, Loney, O'Neil, Regier, Skees, Small, Warburton.

Total 11

Excused: None.

Total 0

Absent or not voting: Connell, Furey.

Total 2

HB 218 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Esp, Fitzpatrick, Gibson, Hands, Hill, Hollandsworth, Hollenbaugh, Hunter, Klock, MacDonald, Malek, McClafferty, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: Connell, Furey.

Total 2

HB 263 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli,

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Connell, Furey.

Total 2

HB 287 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Belcourt, McNiven, Pease-Lopez, F. Smith.

Total 4

Excused: None.

Total 0

Absent or not voting: Connell, Furey.

Total 2

HB 324 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

Blyton, Boland, Brodehl, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Blasdel, Burnett, Hale, Kerns, O'Neil, Skattum, Skees, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: Connell, Furey, Knox.

Total 3

HB 336 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Brodehl, Court, Driscoll, Ehli, Fitzpatrick, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Read, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer.

Total 57

Nays: B. Beck, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Cook, Cuffe, Edmunds, Esp, Evans, Flynn, Gibson, Hale, Harris, Hendrick, Ingraham, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, McNutt, Miller, More, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Yates, Mr. Speaker.

Total 41

Excused: None.

Total 0

Absent or not voting: Connell, Furey.

Total 2

HB 339 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp,

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

Evans, Fitzpatrick, Flynn, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Belcourt, Hale, Harris, Kennedy, Mehlhoff, Pease-Lopez, Squires, Vance, Wagner.
Total 9

Excused: None.
Total 0

Absent or not voting: Connell, Furey, Klock.
Total 3

HB 348 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Williams, Wilmer, Mr. Speaker.
Total 57

Nays: G. Bennett, Blasdel, Blyton, Burnett, Edmunds, Esp, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Salomon, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Washburn, Welborn, Yates.
Total 41

Excused: None.
Total 0

Absent or not voting: Connell, Furey.
Total 2

HB 354 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef,

HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 15, 2011

Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Yates, Mr. Speaker.
Total 71

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Wilmer.
Total 27

Excused: None.
Total 0

Absent or not voting: Connell, Furey.
Total 2

MOTIONS

Representative McGillvray moved **HB 83** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 521**
Motion carried.

HB 521 (More Chief Sponsor)

Representative G. Bennett, Blyton, Clark, Cuffe, Edmunds, Evans, Harris, Ingraham, Knox, Lavin, Loney, MacLaren, McGillvray, Milburn, O'Hara, O'Neil, Osmundson, Read, Regier, Reichner, Rosendale, Salomon, Skees, C. Smith, Taylor, Vance, Warburton.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Wednesday, February 16, 2011. Motion carried.

House adjourned at 3:36 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
THIRTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
February 16, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Burnett. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Evans, excused. Quorum present.

BILLS (O'Hara, Chairman):

2/16/2011

Correctly printed: **HB 275, HB 346, HB 359, HB 419, HB 448, HB 464, HB 469, HB 471, HB 498, HB 523, HB 535, HJR 15, SB 21.**

Correctly engrossed: **HB 240, HB 274, HB 338, HB 342, HB 363, HB 366, HB 416, HB 432, SB 19.**

Delivered to the Governor for approval at 9:20 a.m., February 16, 2011: **HB 21.**

Signed by the Speaker at 2:40 p.m., February 16, 2011: **HB 60.**

Signed by the Chief Clerk of the House at 12:25 p.m., February 16, 2011: **HB 60.**

Delivered to the Governor for approval at 3:30 p.m., February 16, 2011: **HB 60.**

MOTIONS

Representative Blasdel moved **HB 560** be moved from the Local Government committee to the Taxation committee.

Representative Blasdel moved **HB 561** be moved from the Local Government committee to the Taxation committee.

Representative Blasdel moved **HB 562** be moved from the Local Government committee to the Taxation committee.

Representative Blasdel moved **HB 564** be moved from the Local Government committee to the Taxation committee.

Representative McGillvray moved that the body recess for the purpose of receiving the State of Education address by Superintendent of Public Instruction, Denise Juneau. Upon adjournment of the joint session the House will reconvene. Motion carried.

Sgt-at-Arms Bean announced that the Honorable Senate of the State of Montana awaits entrance outside the chamber. Speaker Milburn requested that Sgt-at-Arms Bean admit the Senate to the House chamber.

Speaker Milburn introduced President Peterson and yielded the chair.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

Senator Essmann moved that the body resolve itself into a joint session for the purpose of receiving the State of Education address by Superintendent of Public Instruction, Denise Juneau. Motion carried.

Senator Essmann moved that the President be authorized to appoint a committee of four to notify Superintendent of Public Instruction, Denise Juneau that we are in joint session and ready to receive the State of Education address. Motion carried.

President Peterson appointed Senators Zinke, Hawks and Representatives Reichner and McClafferty to escort Superintendent of Public Instruction, Denise Juneau into the House chamber.

Sgt-at-Arms Clark announced that the committee to escort Superintendent of Public Instruction, Denise Juneau awaits entrance to the House chamber. President Peterson requested that Sgt-at-Arms Clark admit Superintendent Juneau into the House chamber.

President Peterson introduced Superintendent Juneau.

Superintendent Juneau made the following remarks:

Mr. Speaker, Mr. President, Members of the 62nd Legislature, special guests, and friends of education:

Thank you so much for the warm welcome and the opportunity to be with you today. I would like to especially thank my brother, Ron Juneau, and my nephew, Lakota – a 3rd grader at Big Sky Elementary School in Billings - for sharing this day with me.

I would also like to thank my mom, Carol, and my dad, Stan, who are watching online. They supported me and my brother in our every endeavor, instilled in us a willingness to serve others, and made sure that we were successful in school because they knew becoming educated would open many doors for us.

My mom proudly served with many of you in both the House and the Senate. She is especially proud of the realization of Indian Education for All and that Montana has made great strides in fulfilling its constitutional obligation to recognize the distinct and unique cultural heritage of American Indians in its educational system. In a few short years, the Office of Public Instruction has developed over 300 classroom resources and offered training to thousands of educators. Teachers are now integrating accurate information about American Indians into classroom lessons about math, science, art, music, literature, and PE. Your past work to respect the Indian nations located in Montana and ensure they have a place in our public education system is seeing exceptional results. Just last week, more than 200 educators gathered in Helena for the IEFA Best Practices conference, and Montana is a recognized national leader in developing instructional materials and integrating Indian Education for All into classrooms. I would also like to give my appreciation to the staff at the Office of Public Instruction. My staff are dedicated, committed state employees who excel at delivering high-quality support to 828 schools, 15,077 school staff, and 141,807 K-12 students. They take great pride in doing work that matters. And I

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

take great pride in leading the agency.

Joining us today in the gallery are also County Superintendents, who come from every corner of Montana. Thank you for your work on behalf of schools and students.

At OPI, we constantly work to make government more transparent and communication with the public easier. During the last two years, the Office of Public Instruction has entered the world of web 2.0 tools. You can visit our updated website that receives over 3 million hits per year; you can opt into our official email system and receive our communications to schools and subscribe to OPI e-news; you can become OPI's friend on Facebook; and we just recently launched MT OPI on i-Tunes where students and teachers can download professional development videos and

curriculum resources for free anytime, anywhere. Technology offers all of us so many opportunities for communicating our work, being accountable, and providing accessibility. In fact, I'll bet Rep. Ellie Hill is "live-tweeting" this speech right now. All of you, tweeters or not, were sent by the voters to the 2011 Legislative Session to make responsible decisions, create jobs, grow our economy and ensure our state's long-term prosperity.

I know that each of us in this room values education, and although we may disagree on the best way to deliver it or fund it or improve it, we all know it's important and that it has significant meaning to the citizens of our state. That's why we as policymakers struggle to ensure we get it right so every student reaches his or her full potential.

Prioritizing and investing in public education during this session is imperative. Public education is still the great equalizer in America. It is open to all – to every child that walks through the door – no matter their ability, zip code, heritage, or economic background. And we ask a lot from our public schools. We ask our schools to produce students who know how to read, do quadratic equations, understand the scientific method, write an essay, give a speech, appreciate the arts, be healthy, understand their place in global society, grasp the foundational principles of our democracy, speak a language other than English, and use technology.

We all know that the end result of a quality education defines our state's future and creates its economic well-being. When you are in your committees and respective chambers, you must always remember the promises that public education holds for individuals, communities, our state, and our country.

There are students sitting in classrooms right now, learning to read, or on the playground at recess, or eating school lunch, or playing the recorder in music class. They don't know what is going on here at the Capitol January through April. They just know they like school, enjoy learning new things, and love their teacher. But, they are counting on you, members of the legislature, to protect the state's investment in their public school.

This morning, in some Montana town, a single mother living each day with courage, working two jobs, and stretching her budget to put food on the table and pay the rent, walked her child to her neighborhood school and trusted that he would get a good hot breakfast and lunch, be taken care of in a safe environment, and learn his A, B, C's. She doesn't have time to keep track of what is going on here at the Capitol. But, she is counting on you to help deliver a quality

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

education to her child – so her hard work does not go to waste and her child has the opportunity to reach his full educational potential.

Many of us were born with certain privileges. My privilege was the stability of my parents, their support of my schooling, and their steadfast belief that I would go to college. However, some of our students do not have family members who attended college, have access to wealth, live in safe family environments, or simply have the opportunity to just be children.

That is why we must recognize that while education provides the means for all children to pursue success, a good education is oftentimes the only means for some children to break the cycle of poverty. Schools can make a huge difference for at-risk children by finding ways to help them

overcome their challenges and help them succeed. I urge you to restore the \$10 million at-risk funding for schools that was reduced to \$2 last session so schools can provide programs that help these students, because a good education can transform their lives.

Montana has a long history of maintaining quality and excellence in its public education system – a long history of unwavering commitment to public education and a goal of graduating every Montana student from high school being prepared for college and careers.

And, because Montana continues to commit to quality and excellence, great things are happening in our classrooms and the citizens of Montana receive a quality product for the taxes they pay.

The National Assessment of Educational Progress, also called “The Nation’s Report Card,” is the ONLY standardized test that allows for direct comparison across states. It shows that the math skills of Montana students exceed the national average and continue to climb - Montana eighth graders scored better than students in all but two other states and Montana fourth graders scored better than students in all but four other states in the nation.

- The reading skills of Montana students continue to exceed the national average. The scores of Montana fourth and eighth-graders are among the top five highest scoring states as well.
- Montana students lead the nation in science scores. In eighth grade, we share the highest score in the nation with just three other states. Only one state scored higher than Montana’s 4th graders.
- Montana schools were recognized by the Education Trust for the performance levels of our low-income students. In Montana, we have some of the smallest academic disparities between low income and high income students in the nation.
- Our 2010 graduating class outpaced the nation in ACT scores – the test that measures college readiness.

Public education in Montana is not broken. In fact, it is thriving. We should all be proud of the hard work that these numbers reflect: the hard work of our students, our teaching force, and the communities that support Montana’s schools. And, we will continue to see this quality and

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

excellence when we prioritize and invest in our public education system.

Now, I understand that as much as we can feel great about what we accomplish in K-12 education, we cannot afford to rest on our laurels. I believe in assessing our progress and confronting our challenges. Based on the dropout and graduation data we collect at OPI, we know there are too many Montana students that don't attain a high school diploma – right around 2,000 each year. The effects of dropping out are damaging to our state – with high school dropouts comprising 75 percent of incarcerated men and women and tens of millions of dollars spent each year in supportive services for adults who do not earn a high school diploma.

According to the Alliance for Excellent Education, if the male high school graduation rate increased by just 5%, MT's economy would see a combination of crime-related savings and additional revenue of \$19.6 million each year. That should be reason enough for us to want to improve graduation rates.

Last fall, I launched an initiative called Graduation Matters Montana that works with schools, communities, and business partners to support kids staying in school. One piece of this initiative is legislative. I commend Senator Taylor Brown for working with me on SB 44, to increase the legal dropout age from “age 16” to “age 18 or upon graduation.” Passing this bill would have set an expectation that, in today's economic climate, it is imperative that a student stay in school and earn a diploma or certificate. The last time the age was adjusted was 90 years ago - in 1921. Our world is much different from that time, and our expectations should reflect our current economic structure and society. Despite this bill not getting out of the Senate Education Committee, I remain committed to Graduation Matters Montana and working with schools and communities to set the target higher, because I believe all our children can achieve more.

I recently received an e-mail from a former student thanking me for believing in her while she was in high school and for giving her hope that she could do something successful in her life. Although she left school before graduating, she did earn her GED and join the National Guard. She is now married, has two beautiful sons and is serving our country in Iraq. My response to her was that she was, and continues to be, worthy of high expectations. We should all believe in our students enough, and care enough about them, that we create a system of support for them to achieve high school success.

There are times when, because of life circumstances, people do not complete high school. We must still find ways for those adults to attain a diploma or certificate that opens doors to employers and college. Monday, the subcommittee on education appropriations heard from many people who benefitted from Adult-Basic Education programs. These programs offer adults, who did not make it through high school for one reason or another, a pathway to a GED, college, or the workplace. I urge you to restore the funding for these vital programs in communities all across Montana. They offer many people an option for a better life.

Part of keeping kids in school is making sure schools are safe places to learn. I was happy to stand with Attorney General Steve Bullock and many others in support of Senator Kim Gillan's Schools Are For Education, or the SAFE Act, which articulated that a safe and civil environment

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

in school is necessary for students to be engaged in learning.

The Senate recently passed a bill on a 47-3 vote that prohibits hunters from being harassed, threatened, or intimidated – a bill with a \$20,000 fiscal note. So, I was disappointed when the SAFE Act was tabled in the Senate Education Committee. I have to believe that the full Senate would have passed a bill that simply provides that parents and students can rely on their school to have clear and transparent definitions, procedures, and policies around bullying – a bill with a fiscal note of zero dollars.

During the hearing on the SAFE Act, we heard heart-wrenching stories from students who are bullied every day and stories from parents who are at a loss of how to help their child cope with bullies at school. Students should not be afraid to go onto the playground during recess or be afraid of being pushed, shoved, hit, slammed into lockers, humiliated daily, ridiculed relentlessly, be the subject of texted mean-spirited rumors, or have their tormentors follow them on the web 24/7.

As policymakers, we cannot look the other way and say “bullying has gone on forever” or “kids will be kids,” because excuses make us passive and indifferent. Bullying does happen in our schools. At some point, this body needs to send a message that it is not appropriate to bully, harass, threaten, or intimidate children in our schools.

One of the more demanding initiatives I have undertaken is improving student outcomes in schools and communities that are facing significant challenges. Under my Schools of Promise initiative, we are working to transform the four lowest performing school systems in the state.

Despite our great educational outcomes overall, we do have a few schools that need reform. These schools are located in communities that suffer deep generational, isolated, and concentrated poverty. Some of these communities have unemployment rates that hover around 70 percent – not just during the recession – but, always. Many students come to school with heavy loads of emotional trauma. Most students in these schools are not proficient in reading and math.

As the leader of the state’s public education system, I will not stand by and let another generation of students fail. Our state cannot afford to allow certain communities to languish. The hope for these communities, and indeed, for our state, will transpire when every child is successfully educated in a quality school. We must work with these schools, their staff, parents, students, and communities to raise academic achievement.

Under the Schools of Promise initiative, we developed a close partnership with these schools. It was not an easy task. Local union members showed tremendous courage and agreed to amend their collective bargaining agreements to work longer hours, more days, and be evaluated on stringent requirements, including student data. School boards had to agree in a couple of schools to replace their long-standing high school principal. Administrators had to agree that things were going to change, and OPI would be there to work alongside them on every aspect of this change. Communities had to agree to become more involved and connected to the school.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

We have four staff on the ground in each of these schools to work with the administration, teachers, the school board and the community. This work is by no means easy. In fact, there are difficulties at every turn. It is, however, vitally important work, and small stories of success are emerging. One of our community liaisons does home visits and asks families to describe the hopes and dreams they have for their children.

One mother, who does not have her own high school diploma, hopes her daughter achieves her dream of becoming a mechanical engineer and that her son reaches his goal of going into the military. She knows that her number one job is to get her children to school every day, to celebrate their academic success, and to believe in them. She posts their perfect-attendance certificates on her living room wall.

In another community, our staff identified ten students who were on their way to dropping out because they lack enough credits to graduate. Working with the school, our staff brought these students to a multiple-day training to help them reassess their choices and to imagine a better life for themselves. These students now meet every week to support each other to stay in school.

I grew up and attended school in a similar community - Browning. I received a quality education from Browning schools that led me to college, graduate school, and law school. The educational foundation I received in Browning led me to the teaching profession, the legal profession, and into a statewide elected position.

I know these schools of promise are capable of providing a quality education. I know these communities can come together to support their children and help them achieve greatness. There are students watching in Frazer today – one of our Schools of Promise. I know the students in Frazer are just as brilliant and capable as any other student in any of our other schools in Montana.

I have high expectations of you – students - and I need you to succeed – all of us in this chamber need you to succeed.

We will continue to work in partnership with the schools of promise to make sure their students are offered the opportunity to reach their full educational potential.

As State Superintendent, I strive to remain focused on meeting students' needs in our work. That is why we do such demanding work in all our initiatives, like Schools of Promise. We are tough, but fair, in our work with schools, educators, and communities, because sometimes children's lives hang in the balance.

I feel it is very important to bring a student voice to the table on state education issues. Oftentimes, adults plan and discuss educational policy, but we rarely talk to the people who will be most directly affected by our plans and discussions – the students. To meet this purpose, I recently brought together 40 students from 31 schools to meet as the first-ever State Superintendent's Student Advisory Board. This student group is very diverse. They come from Twin Bridges, Browning, Glasgow, Wibaux, and all points in between. Some are involved in extra-curricular activities; some get good grades, and some, not so good. Some have a great

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

network of support that helps them get through school; some have had to overcome big challenges in life to stay in school. Some of them have dropped out of school and dropped back in; and some are going to be the valedictorian or salutatorian of their graduating class. But, all of them expressed their belief that becoming educated is important to their future success. These young people, both in the Advisory Group and in our schools, inspire my work as State Superintendent. My discussions with them always remind me that they are counting on us to do the right things – to create good student-centered policies, to set high expectations, and to support them in achieving their dreams.

And, we have had the legislature's help in the past to create relevant, real-world learning experiences for students and flexibility in their educational settings. The 2009 Legislature provided a piece of this flexibility by funding the Montana Digital Academy – an online learning opportunity for high school students.

It has just started its second semester and has over 2,000 students from 120 high schools enrolled in its 54 classes. Students in schools from Libby to Lodge Grass and from Westby to Whitefish are able to access classes as varied as AP English to Native American Studies to Mandarin

Chinese to Oceanography. The governor's budget includes continued funding for the Digital Academy. I urge you to continue this successful innovative program so it continues to meet the growing demand for online learning. Our public education system must help students prepare for a future we have not yet imagined – and they need you to help them be successful.

We often hear a lot about a seamless education system that spans from Kindergarten through graduate school. Commissioner Sheila Stearns and I frequently bring our top policy teams together to talk about meeting our common goals of implementing dual enrollment, decreasing remediation rates, providing a comprehensive system of online learning, and working on smooth transitions for students. Our offices also work together on Big Sky Pathways, which provides career and technical courses in high schools that often lead to high-paying skilled jobs or a two-year college degree program.

All of Montana's high school students take at least one technical education course and over half take at least three classes. The state money for this program was stripped from our budget last week. I know Commissioner Stearns stands with me in urging you to restore these funds so high school students can continue to take these courses that help them become Montana's future work force.

I sincerely appreciate Commissioner Stearn's leadership in post-secondary education, her commitment to create an educated workforce in Montana, and her willingness to work with me toward an aligned, coherent kindergarten through college education system. Thank you for your partnership with K-12, Sheila.

I also work closely with the State Board of Public Education – the body that establishes accreditation standards – those targets of quality that schools must reach. The OPI implements the Board's standards and makes sure that schools are working toward these targets. I appreciate Chairperson Patty Meyer's leadership on the Board because she certainly has a

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

“students come first” approach. Thank you, Patty, for your commitment to students.

I would also like to recognize the Board of Public Education members seated in the gallery. Please stand. Thank you for your leadership on this most important board.

Patty and I know that we need to continually improve our system for the next generation of learners. To prepare Montana schools to excel in the 21st century, we organized a task force of stakeholders to review a major part of the Board’s accreditation standards to make them more performance based – using data to determine whether a school is providing a quality education. We understand that local districts know best how to deliver a quality education and this new accreditation model will give schools of all sizes the flexibility to offer high quality learning opportunities while insuring that students and staff are treated in a professional manner. To ensure our students are held to the highest academic standard, I am working with the Board to join 40 other states in adopting common national standards in reading and math that will provide a clear understanding to students and parents of what students are expected to learn in school – from grade to grade, school to school, and state to state.

The OPI also signed on as a governing state (meaning we get to fully participate and vote) in a national consortia that is developing assessments to measure these common standards. This means that we will have common standards that are measured by a common assessment that will let us know how our students stack up to the rest of the country. Given our track record of excellent educational outcomes, I welcome that opportunity.

Since becoming Superintendent, I have worked closely with the Legislature toward continuous improvement of the K-12 system. Last session, Senator Lake sponsored HJR 6 that called on my office, the BPE and the Legislature to develop K-12 shared policy goals.

My staff, Chairperson Patty Myers, along with Senator Bob Lake, Senator Bob Hawks, Senate President Jim Peterson, and Representative Edie McClafferty met several times during the interim, discussed the future of Montana’s education system, and established several priority goals we could all work on together. These shared policy goals were meant to be used by the Legislature during this session to frame education budget initiatives and other policy recommendations for the 2013 biennium, and I have offered several policy and budget legislative requests that matched these goals. These are the promises we intend to keep with this legislative body, but we need you to be a partner in meeting these goals and do what’s necessary on your end as well.

I know that you are dealing with difficult decisions about revenue and your constitutional duty to leave the session with a balanced budget. Our state constitution also says that “the legislature shall provide a basic system of free quality public elementary and secondary schools.”

We cannot allow our current revenue challenge to be an excuse for our state to retreat from our long tradition of providing every child a quality education. In fact, we must take this opportunity to prioritize funding for public education because quality schools are the key to lifting our state out of its recession and ensuring its long-term prosperity. Failure to invest in public education now will lead to disappointment in every other possible investment.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

I know you are struggling to create a Montana of which all of us can be proud. And, of course, I urge you to continue to adequately fund public education. We must not forget, however, that while making critical investments in our students – those who will lead this state in the future – we must also protect those who are less fortunate and support those who are struggling mightily to lead a middle-class life, stay healthy, send their children to college, and retire with dignity. Those are Montana values. And, that is the role of government – to provide safety nets for people when necessary, to keep our communities safe, to create jobs, and to ensure educational opportunities for all. In fact, working together – in the light of day - is our best hope for achieving better lives for students and for all Montanans.

As we move through the next couple of months, please remember the critical importance of K-12 public education to our economic future and the lives of all of Montana children. You must maintain the quality and excellence in our public school system that our constituents have come to expect. The Governor has submitted a budget to you that prioritizes the government's duties, adequately funds K-12 education and leaves money in the bank.

Our students are doing well today because of the investments that the Legislature has made in the past. We know that when the state cuts support for public schools, local taxpayers are forced to pick up the tab in order to maintain excellence. Shifting the burden to local taxpayers in this manner has the same effect as an unfunded mandate. I urge you to fund K-12 education to the levels you find in the Governor's budget.

Priorities do matter. As leaders, you must be courageous and choose to prioritize and invest in our public education system. You must tell young people that you believe in them and then back it up with action. Resist the temptation to cut funds to schools, and instead, do what has to be done, and protect our most valuable long-term resource – our students.

I thank you, members of the Legislature, for serving the people of Montana. Leadership is never easy. However, leadership, especially in challenging times, means that you do the right thing. I ask that you do the right thing for those students sitting in classes right now who enjoy learning new things. Do the right thing for that single mother struggling to make ends meet who is counting on you to help deliver a quality education to her child so he has the opportunity for future economic success. It is only by maintaining a quality education system that we will truly meet our state's hopes and dreams

President Peterson requested that the committee of four escort Superintendent Juneau from the joint session.

Senator Essmann moved that the joint session be adjourned. Motion carried.

Representative McGillvray moved that the Republicans caucus. Without objection, so ordered.

House Reconvened.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, and twenty-sixth legislative days, find the same to be correct.

Representative O'Hara, Chair

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman): 2/15/2011
HB 469, do pass. Report adopted.
HB 471, do pass. Report adopted.
HB 498, do pass. Report adopted.

BUSINESS AND LABOR (Arntzen, Chairman): 2/16/2011
HB 275, do pass. Report adopted.
HB 342, introduced bill, be amended as follows:

1. Page 1, line 14.

Strike: "\$1"

Insert: "\$5"

2. Page 1, line 17.

Following: "assets"

Insert: "or is likely to dissipate assets"

And, as amended, do pass. Report adopted.

HB 359, do pass. Report adopted.

HB 416, introduced bill, be amended as follows:

1. Page 6, line 7.

Strike: "Title 50, chapter 16," in two places

Insert: "Title 37, chapter 2," in two places

And, as amended, do pass. Report adopted.

HB 419, do pass. Report adopted.

HB 432, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "BANKS"

Insert: "AND CREDIT UNIONS"

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

2. Title, page 1, line 8.

Following: "BANKS"

Insert: "AND CREDIT UNIONS"

3. Title, page 1, line 9.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "32-1-429"

Insert: "AND 32-3-609"

4. Page 1, following line 27.

Insert: "**Section 2.** Section 32-3-609, MCA, is amended to read:

"32-3-609. Insurance for members -- debt cancellation and suspension programs.

(1) A credit union may purchase or make available insurance for its members in amounts related to their respective ages, shares, or loan balances or to any combination of them.

(2) A credit union may, upon application to and approval by the department of administration pursuant to 32-3-206, offer debt cancellation and suspension programs. Debt cancellation or suspension programs offered pursuant to this subsection are not insurance products subject to the provisions of Title 33. The department shall adopt rules to implement this subsection that must be substantially equivalent to or more stringent than federal laws, regulations, and regulatory guidelines that are applicable to debt cancellation or suspension programs offered by federal credit unions.""

And, as amended, do pass. Report adopted.

HB 464, do pass. Report adopted.

HB 535, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman):

2/15/2011

HB 363, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "81-1-110,"

2. Page 1, line 11 through line 26.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 1, line 29.

Strike: "6"

Insert: "5"

4. Page 3, line 30.

Strike: "6"

Insert: "5"

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

5. Page 6, line 6.

Strike: "6"

Insert: "5"

6. Page 6, line 14.

Strike: "6"

Insert: "5"

7. Page 6, line 21.

Strike: "6"

Insert: "5"

8. Page 7, line 5 through line 6.

Strike: "(b)" on line 5 through "predation;" on line 6

Renumber: subsequent subsections

9. Page 7, line 13.

Strike: "6"

Insert: "5"

10. Page 7, line 16.

Strike: "6"

Insert: "5"

11. Page 7, line 17.

Strike: "6"

Insert: "5"

And, as amended, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

2/10/2011

SB 19, be amended as follows:

1. Page 2, line 30 through page 3, line 1.

Following: "proved by" on line 30

Strike: remainder of line 30 through "death" on page 3, line 1

Insert: "an acknowledged statement that a person with an interest in the property is deceased.

The statement must contain the matters specified in 7-4-2613(1)(c) and be recorded with the clerk and recorder in each county in which the real property or any part of the real property is located"

And, as amended, be concurred in. Report adopted.

SB 21, be concurred in. Report adopted.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

JUDICIARY (Peterson, Chairman):
HB 240, introduced bill, be amended as follows:

2/16/2011

1. Title, line 8.

Following: "POLICIES;"

Insert: "PROVIDING CERTAIN TAX RATES FOR TRANSMISSION LINES FOR WHICH
EMINENT DOMAIN MAY BE USED;"

Following: "SECTIONS"

Insert: "70-30-101,"

2. Page 1.

Following: line 11

Insert: "Section 1. Section 70-30-101, MCA, is amended to read:

"70-30-101. Eminent domain defined -- definitions. (1) Eminent domain is the right of the state to take private property for public use. This right may be exercised in the manner provided in this chapter.

(2) As used in this chapter, unless the context indicates otherwise, the following definitions apply:

(a) "Appraisal" means a written statement, independently and impartially prepared by a certified real estate appraiser, as defined in 37-54-102, setting forth an opinion of defined value of an adequately described property as of a specific date and supported by the presentation and analysis of relevant market information.

(b) "Coercive in nature" means a type of action that uses duress in an attempt to induce a person to sign an instrument or to agree to the terms of a document against that person's will.

(c) "Condemnor" means a department, agency, or instrumentality of the state or a political subdivision of the state, a department, agency, or instrumentality of two or more states, or a person who has the authority to acquire property by eminent domain as provided in this chapter.

(d) "Every reasonable effort" means the effort that a reasonable person acting as a motivated buyer would use to accomplish the purchase of a property interest of a reluctant seller.

(e) "Final written offer" means the last written offer presented to the condemnee at least 30 days before service of process in a civil action pursuant to 70-30-202.

(f) "Negotiation" means a communication process of give-and-take discussions between parties that is intended to produce a settlement or an agreement.

(g) "Person" means an individual, partnership, corporation, or association."

Renumber: subsequent sections

3. Page 1, line 25.

Strike: "or" through the second "of"

4. Page 2, lines 12 and 13.

Strike: "after" on line 12 through "taken," on line 13

5. Page 2, line 13.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

Strike: "that offer was rejected in writing; and"

Insert: "the property owner was given 30 days to provide a written acceptance or rejection of the offer. A written offer is considered rejected if no response is made within 30 days after its delivery."

6. Page 2, line 14.

Strike: "[section 4]"

Insert: "[section 5] and 70-31-301"

7. Page 2, line 15

Strike: " "

Insert: "; and

(6) that there have been no actions coercive in nature to compel an agreement on the price to be paid for the property."

8. Page 2, line 21.

Strike: "final"

9. Page 3, line 3 through line 4.

Strike: "for which" on line 3 through "70-31-301" on line 4

10. Page 3.

Following: line 4

Insert: "(1) Before the initiation of negotiations for the acquisition of real property, an amount must be established that is reasonably believed to be just compensation for the property or interest taken and that amount must be offered for the property. The amount may not be less than the approved appraisal of the fair market value of the property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which the property is acquired or by the likelihood that the property would be acquired for the improvement, other than an amount due to physical deterioration within the reasonable control of the owner, must be disregarded in determining the compensation for the property. The owner of the real property to be acquired must be provided with a written statement of and summary of the basis for the amount established as just compensation. When appropriate, the just compensation for the real property acquired and for damages to remaining real property must be separately stated."

Renumber: subsequent subsections

11. Page 3, line 6.

Following: "negotiation"

Insert: "using the following process before a civil action for condemnation may be brought pursuant to 70-30-202:

(a) If within 4 months of the initial offer a voluntary property interest agreement has not been signed by both parties, then a formal mediation process may begin. The mediation process must be paid for by the person acquiring the property.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

(b) If mediation efforts do not produce a settlement agreement for a mutually signed property interest agreement, the person acquiring the property shall make the final written offer provided for in 70-30-111.

(c) The property owner or the property owner's agent has 30 days to either accept or reject the final written offer, and a lack of response on the part of the property owner within that time means that the property owner has rejected the final written offer.

(d) If the person acquiring the property has complied with 70-30-111, a civil action may be filed pursuant to 70-30-202"

12. Page 3, line 10 through line 19.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

13. Page 3, line 21.

Strike: the first "is"

Insert: "and relocation costs are"

14. Page 3, line 22.

Strike: "approved" through "property"

Insert: "amount of the condemnor's final written offer"

15. Page 4, line 3.

Following: "property."

Insert: "If condemnation is initiated pursuant to 70-30-202, the amount of the condemnor's final written offer must be deposited with the court for the use of the condemnee."

16. Page 4.

Following: line 12

Insert: "NEW SECTION. Section 6. Taxation of property acquired for electric transmission lines. (1) If an electric transmission line that requires a certificate of compliance under the Montana Major Facility Siting Act, Title 75, chapter 20, is sited on privately held deeded real property that is acquired through a voluntary agreement with the property owner, the centrally assessed value for that portion of the privately held deeded real property is subject to the tax rate of either 1 percentage point less than the rate for class fourteen property, as provided in 15-6-157, for renewable energy projects, or 1 percentage point less than the tax rate for class nine property, as provided in 15-6-141, for other transmission projects, as determined by the department of environmental quality pursuant to 15-6-157(2)(a).

(2) If an electric transmission line that requires a certificate of compliance under the Montana Major Facility Siting Act is sited on privately held deeded real property that is acquired by a civil action pursuant to 70-30-202, that property is subject to a tax rate that is 3 percentage points higher than the tax rate for class nine property, as provided in 15-6-141.

(3) If an entity reaches voluntary property agreements with 97% of the landowners owning property acquired for the transmission line, the entity is entitled to

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

the lowest property tax rate for transmission projects provided by law."

Renumber: subsequent sections

17. Page 4, line 14.

Following: "instruction."

Insert: "(1)"

Strike: "4"

Insert: "5"

18. Page 4, line 15.

Strike: "4"

Insert: "5"

19. Page 4.

Following: line 15

Insert: "(2) [Section 6] is intended to be codified as an integral part of Title 15, chapter 24, and the provisions of Title 15, chapter 24, apply to [section 6]."

And, as amended, do pass. Report adopted.

HB 274, introduced bill, be amended as follows:

1. Title, line 5.

Following: "REQUIRING"

Insert: "CERTAIN"

2. Page 2, line 7.

Following: "employer"

Insert: "employing eight or more employees"

And, as amended, do pass. Report adopted.

HB 448, do pass. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman):

2/15/2011

HB 338, introduced bill, be amended as follows:

1. Page 1, line 14.

Following: "white"

Insert: "white"

2. Page 1, line 18.

Following: ";

Insert: "provide the names of the parties to the conveyance on the first or second page of any document with more than one page;"

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

3. Page 1, line 19.

Following: "~~(e)~~"

Insert: "(c)"

Renumber: subsequent subsections

4. Page 1, line 21.

Following: ";

Insert: "except as provided in subsection (1)(f) and except for page numbers, initials, or other designations,"

5. Page 1, line 25.

Following: "page;"

Strike: "and"

6. Page 1, line 26.

Following: "and"

Insert: "; and"

7. Page 1, line 29.

Following: "information"

Insert: "(f) include the name and mailing address of the person to whom the document is to be returned in the upper left-hand corner of the first page between the 1/2-inch side margins of each document submitted and may include legibly printed or typed transactional information"

And, as amended, do pass. Report adopted.

HB 346, do pass. Report adopted.

HB 366, introduced bill, be amended as follows:

1. Title, page 1, line 11.

Strike: "20%"

Insert: "40%"

2. Page 3, line 11.

Strike: "20%"

Insert: "40%"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

2/15/2011

HB 54, introduced by Vance

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

HB 89, introduced by Ingraham

Senate bills passed and transmitted to the House for concurrence:

2/15/2011

SB 58, introduced by Moss

SB 185, introduced by Wanzenried

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 567, introduced by Reichner, referred to Taxation.

HB 568, introduced by Wagner, referred to Natural Resources.

HB 569, introduced by Stahl, referred to Taxation.

HB 570, introduced by Stahl, referred to Judiciary.

HB 571, introduced by Cuffe, referred to Federal Relations, Energy, and Telecommunications.

HB 572, introduced by Ankney, referred to Business and Labor.

HB 573, introduced by Hunter, referred to Human Services.

HB 575, introduced by Hansen, referred to Local Government.

HB 576, introduced by Harris, Warburton, referred to Fish, Wildlife and Parks.

HB 577, introduced by Stahl, referred to Taxation.

HB 578, introduced by Reinhart, Furey, K. Williams, McNally, Price, Schmidt, Boland, McChesney, Pease-Lopez, Malek, referred to State Administration.

HB 579, introduced by Reinhart, Swanson, Squires, Furey, MacDonald, K. Williams, Price, Malek, B. Bennett, Mehlhoff, Phillips, Hands, McClafferty, Sesso, Sands, Di. Barrett, Pease-Lopez, Noonan, Court, referred to Transportation.

HB 580, introduced by K. Williams, Wilmer, Furey, Malek, Hunter, MacDonald, Boland, McNally, Schmidt, Price, McChesney, Menahan, Noonan, B. Bennett, Swanson, Sands, Pease-Lopez, referred to State Administration.

HB 581, introduced by McNally, referred to Federal Relations, Energy, and Telecommunications.

HB 582, introduced by Esp, referred to Education.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 16, introduced by MacDonald, C. Williams, referred to Business and Labor.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 86 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Hale, Kennedy, Kerns, Skattum, Vance, Wagner.

Total 6

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 206 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: Evans.

Total 1

Absent or not voting: Schmidt.

Total 1

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

HB 237 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 77

Nays: Barrett, B. Bennett, Boland, Court, Hale, Hands, Hill, Hollenbaugh, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Pease-Lopez, Price, Reinhart, Sands, Sesso, Williams, Wilmer, Yates.
Total 21

Excused: Evans.
Total 1

Absent or not voting: Schmidt.
Total 1

HB 264 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 93

Nays: Berry, Blasdel, Fitzpatrick, McGillvray, Peterson.
Total 5

Excused: Evans.
Total 1

Absent or not voting: Schmidt.
Total 1

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

HB 265 passed as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Regier, Reinhart, Rosendale, Salomon, Sands, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Yates.

Total 78

Nays: Arntzen, G. Bennett, Berry, Burnett, Fitzpatrick, Howard, Kennedy, Kerns, Klock, Knox, McGillvray, More, Phillips, Read, Reichner, Roberts, Skattum, Welborn, Wilmer, Mr. Speaker.

Total 20

Excused: Evans.

Total 1

Absent or not voting: Schmidt.

Total 1

HB 295 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: Schmidt.

Total 1

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

HB 318 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, McNiven, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 379 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: G. Bennett, Cuffe, Hale, Ingraham, Kennedy, Kerns, Miller, More, O'Neil, Osmundson, Rosendale, Skattum, Skees, Small, C. Smith, Vance.

Total 16

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sesso in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 70 - Representative Menahan moved **HB 70** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Esp, Hale, Kerns, More, Wagner.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 100 - Representative Vance moved **HB 100** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner,

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 25 - Representative Roberts moved **HB 25** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: G. Bennett, Blasdel, Blyton, Burnett, Cuffe, Edmunds, Flynn, Howard, Kennedy, Kerns, Miller, More, Randall, Skattum, Skees, C. Smith.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 133 - Representative Salomon moved **HB 133** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blyton, Boland, Clark, Connell, Cook, Court, Driscoll, Esp, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Knox, Lavin, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Salomon, Sands, Schmidt, C. Smith, F. Smith, Stahl, Swanson, Taylor, Wagner, Washburn, Williams, Wilmer.

Total 59

Nays: Arntzen, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Cuffe, Edmunds, Ehli, Evans,

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

Fitzpatrick, Flynn, Greef, Hale, Harris, Hendrick, Ingraham, Kary, Kennedy, Kerns, Knudsen, Loney, McClafferty, Miller, More, Noonan, O'Neil, Peterson, Reichner, Rosendale, Sesso, Skattum, Skees, Small, Squires, Vance, Warburton, Welborn, Yates, Mr. Speaker.

Total 40

Excused: None.

Total 0

Absent or not voting: Mehlhoff.

Total 1

HB 228 - Representative Rosendale moved **HB 228** do pass. Motion **failed** as follows:

Yeas: Arntzen, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Evans, Gibson, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 50

Nays: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 331 - Representative Howard moved **HB 331** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blasdel, Blyton, Clark, Connell, Cook, Court, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Sesso, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 72

Nays: Belcourt, G. Bennett, Boland, Brodehl, Burnett, Cuffe, Driscoll, Edmunds, Hands,

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

Kennedy, Kerns, Loney, MacDonald, Malek, Miller, More, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Schmidt, Skattum, Skees, Small, Wagner, Wilmer.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 361 - Representative Washburn moved **HB 361** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Clark, Connell, Cook, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 66

Nays: Barrett, B. Bennett, Boland, Brodehl, Burnett, Court, Driscoll, Ehli, Furey, Greef, Hands, Hill, Hollenbaugh, Hunter, Kennedy, MacDonald, Malek, McClafferty, McNally, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sesso moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read,

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

Nays: B. Bennett, Boland, Gibson, Hale, Malek, Noonan, Pease-Lopez, Phillips, F. Smith, Squires, Wagner.

Total 11

Excused: Evans.

Total 1

Absent or not voting: Hoven.

Total 1

House Recessed at 3:00 p.m.

House Reconvened at 5:04 p.m.

Roll Call. All members present, except Representatives Furey and O'Neil, excused. Quorum present.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sesso in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 293 - Representative Connell moved **HB 293** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

Nays: Edmunds, Hansen, Hendrick, Kerns, Knox, McNiven, More, Regier, Skattum, Skees, Vance, Wagner.

Total 12

Excused: O'Neil.

Total 1

Absent or not voting: B. Beck.

Total 1

HB 330 - Representative B. Bennett moved **HB 330** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Edmunds, Hale, Kerns, Roberts, Salomon, Skattum, Wagner, Warburton, Washburn.

Total 9

Excused: None.

Total 0

Absent or not voting: Brodehl, Peterson.

Total 2

HB 411 - Representative Wilmer moved **HB 411** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Clark, Connell, Court, Driscoll, Evans, Flynn, Furey, Gibson, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Phillips, Price, Read, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 67

Nays: Blasdel, Blyton, Burnett, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Greef, Hale, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McNiven, More, O'Neil, Peterson, Randall, Regier,

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

Reichner, Rosendale, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Welborn.

Total 32

Excused: None.

Total 0

Absent or not voting: Pease-Lopez.

Total 1

HB 422 - Representative Hale moved **HB 422** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 252 - Representative Hoven moved **HB 252** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Gibson, Howard.

Total 2

HB 79 - Representative Evans moved **HB 79** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Burnett, Hale, Kennedy, Kerns, More, Read.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sesso moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: None.
Total 0

Excused: Furey.
Total 1

Absent or not voting: Cook, Court.
Total 2

REPORTS OF STANDING COMMITTEES

TRANSPORTATION (Vance, Chairman):
HB 523, do pass. Report adopted.
HJR 15, do pass. Report adopted.

2/16/2011

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 583, introduced by Regier, Olson, referred to Judiciary.
HB 584, introduced by Mehlhoff, F. Smith, Hiner, Hendrick, Malek, Miller, Read, Boland, McClafferty, Belcourt, O'Hara, Ankney, Kary, Hollandsworth, McChesney, Edmunds, referred to Transportation.
HB 585, introduced by G. Bennett, Hansen, Warburton, Taylor, referred to State Administration.
HB 586, introduced by Court, referred to Natural Resources.
HB 587, introduced by McNutt, referred to Appropriations.
HB 588, introduced by Cuffe, referred to Transportation.
HB 589, introduced by Cuffe, referred to Transportation.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 17, introduced by Stahl, referred to Transportation.

MOTIONS

Representative Phillips moved **HB 482** be moved from the Agriculture committee to the Fish, Wildlife and Parks committee.

Representative McGillvray moved **HB 331** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 16, 2011

Representative McGillvray moved **HB 411** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 12:30 p.m., Thursday, February 17, 2011. Motion carried.

House adjourned at 5:26 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
THIRTY-NINTH LEGISLATIVE DAY**

Helena, Montana
February 17, 2011

House Chambers
State Capitol

House convened at 12:25 p.m. Mr. Speaker in the Chair. Invocation by Rep. Ingraham. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman):

2/17/2011

Correctly printed: **HB 161, HB 344, HB 420, HB 421, HB 496.**

Correctly engrossed: **HB 271, HB 341, HB 426, HB 456, HJR 9.**

Representative Hiner read the following proclamation:

PROCLAMATION to Recognize the Centennial Year of the
Montana Nurses Association

WHEREAS, in 2012 the Montana Nurses Association will celebrate its 100th anniversary of providing invaluable services to those in need of health care across our state; and

WHEREAS, for a century, the Montana Nurses Association supported by its professional staff and resources, has proudly represented the voice of licensed nurses across the state; and

WHEREAS, in Montana there are over 16,000 nurses, including Registered Nurses, Licensed Practical Nurses, and Advanced Practice Registered Nurses working in hospitals, nursing homes, home care, hospice, outpatient clinics, nursing education, schools, public health, the insurance industry, and much more; and

WHEREAS, scientific research has shown that the direct involvement and sufficient numbers of professional nurses positively impact patient outcomes and are the key to the delivery of safe effective patient care; and

WHEREAS, the Montana Nurses Association provides leadership for the nursing profession and promotes quality health care for consumers through research, continuing education, and advocacy and by influencing health care policy in Montana.

NOW, THEREFORE, BE IT PROCLAIMED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the State of Montana recognizes the Montana Nurses Association's contributions to the health of the citizens of our state for the past 100 years.

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

BE IT FURTHER RESOLVED, that the 62nd Session of the Montana Legislature commends and salutes the centennial of the Montana Nurses Association during the year and the celebration of this historic event commencing on February 17, 2011.

BE IT FURTHER RESOLVED, that a copy of this proclamation be transmitted to the Montana Nurses Association at 20 Old Montana State Highway, Montana City, Montana 59634.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman): 2/16/2011
HB 161, do pass. Report adopted.

EDUCATION (Reichner, Chairman): 2/16/2011
HB 420, do pass. Report adopted.
HB 421, do pass. Report adopted.
HB 456, introduced bill, be amended as follows:

1. Page 1, lines 29 and 30.

Following: "(1)"

Strike: "Any" through "from" on line 30

Insert: "A school may not allow a child to attend"

2. Page 2, line 2 through line 3.

Following: "acts"

Strike: ". The withdrawal or refusal to attend is an excused absence pursuant to 20-5-103."

Insert: "unless each child's parent or guardian agrees in writing to allow the child to attend the instruction. Pursuant to 20-5-103, a child is excused from participating in the instruction unless the child fails to attend after the parent or guardian has agreed in writing to allow the child's attendance."

3. Page 2, line 13.

Following: "to"

Strike: "remove"

Insert: "include"

Following: "student"

Strike: "from any part of"

Insert: "in"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

HJR 9, introduced joint resolution, be amended as follows:

1. Page 2, line 15.

Following: the first "Association,"

Insert: "school board trustee representatives,"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):

2/11/2011

HB 344, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

2/16/2011

SB 15, introduced by Jent

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 590, introduced by McClafferty, Noonan, B. Bennett, Hunter, Mehlhoff, C. Williams, Sesso, Hands, Wanzenried, Wilmer, Kaufmann, Gillan, Hollenbaugh, McChesney, Blewett, Van Dyk, Di. Barrett, referred to Appropriations.

HB 591, introduced by Blasdel, Hansen, Skattum, McGillvray, Kennedy, Edmunds, Skees, Knox, Blyton, referred to Education.

HB 592, introduced by Stahl, referred to Local Government.

HB 593, introduced by Ankney, referred to Federal Relations, Energy, and Telecommunications.

HB 594, introduced by Sesso, Ankney, Stahl, Murphy, Olson, Furey, Moss, Zinke, Hamlett, MacDonald, Small, B. Bennett, Erickson, Wanzenried, Blewett, McChesney, Lavin, Larsen, Jones, referred to Transportation.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 18, introduced by Skattum, Warburton, Clark, Skees, Kennedy, Flynn, Edmunds, Randall, Blasdel, referred to Natural Resources.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

HB 25 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 82

Nays: G. Bennett, Blasdel, Blyton, Edmunds, Flynn, Kennedy, Kerns, Knox, Miller, More, Randall, Skattum, Skees, C. Smith, Wagner.

Total 15

Excused: None.

Total 0

Absent or not voting: Burnett, Hendrick, Sands.

Total 3

HB 70 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Hale, Kennedy, Kerns, More, Skattum, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: Burnett, Sands.

Total 2

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

HB 100 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: Burnett, Sands.

Total 2

HB 133 passed as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blyton, Boland, Clark, Connell, Cook, Court, Driscoll, Esp, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, Menahan, O'Hara, Osmundson, Pease-Lopez, Phillips, Randall, Read, Regier, Roberts, Salomon, Schmidt, F. Smith, Squires, Stahl, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer.

Total 54

Nays: Arntzen, G. Bennett, Berry, Blasdel, Brodehl, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Greef, Hale, Harris, Hendrick, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McClafferty, McNutt, Mehlhoff, Miller, More, Noonan, O'Neil, Peterson, Price, Reichner, Reinhart, Rosendale, Sesso, Skattum, Skees, Small, C. Smith, Swanson, Vance, Wagner, Yates, Mr. Speaker.

Total 44

Excused: None.

Total 0

Absent or not voting: Burnett, Sands.

Total 2

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

HB 361 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Clark, Connell, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 63

Nays: Barrett, B. Bennett, Boland, Brodehl, Cook, Court, Driscoll, Ehli, Furey, Greef, Hale, Hands, Hill, Hollenbaugh, Hunter, Kennedy, MacDonald, MacLaren, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: Burnett, Mehlhoff, Sands.

Total 3

HB 79 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Kennedy, Kerns, More.

Total 3

Excused: None.

Total 0

Absent or not voting: Burnett, Sands.

Total 2

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

HB 252 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Burnett, Sands.
Total 2

HB 293 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 83

Nays: G. Bennett, Flynn, Hansen, Hendrick, Kerns, Knox, McNiven, More, O'Neil, Osmundson, Regier, Reichner, Skattum, Skees, Wagner.
Total 15

Excused: None.
Total 0

Absent or not voting: Burnett, Sands.
Total 2

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

HB 330 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

Nays: Hale, Kerns, Salomon, Skattum, Wagner, Warburton.
Total 6

Excused: None.
Total 0

Absent or not voting: Burnett, Sands.
Total 2

HB 422 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Burnett, Sands.
Total 2

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative B. Bennett in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 81 - Representative Roberts moved **HB 81** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Small, F. Smith, Squires, Swanson, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 65

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Edmunds, Flynn, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McNiven, Miller, More, Phillips, Randall, Read, Sesso, Skattum, Skees, C. Smith, Taylor, Vance, Wagner.

Total 30

Excused: None.

Total 0

Absent or not voting: Arntzen, Burnett, Esp, Sands, Stahl.

Total 5

HB 134 - Representative Squires moved **HB 134** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

Nays: Edmunds, Hale, Knox.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 203 - Representative Menahan moved **HB 203** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: G. Bennett, Edmunds, Esp, Hale, Kerns, Knox, McGillvray, Miller, Randall, Skattum, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HB 306 - Representative Berry moved **HB 306** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 69

Nays: Barrett, B. Bennett, Blyton, Boland, Driscoll, Furey, Hands, Hill, Hollenbaugh, Ingraham, MacDonald, Malek, McClafferty, McNally, McNiven, Noonan, O'Hara, Pease-Lopez, Phillips,

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 30

Excused: None.
Total 0

Absent or not voting: Hunter.
Total 1

HB 310 - Representative Blyton moved **HB 310** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: Welborn.
Total 1

Excused: None.
Total 0

Absent or not voting: Sands.
Total 1

HB 312 - Representative C. Smith moved **HB 312** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff,

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 362 - Representative K. Peterson moved **HB 362** do pass. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Berry, Blyton, Brodehl, Clark, Edmunds, Ehli, Evans, Fitzpatrick, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Lavin, Loney, McGillvray, McNiven, More, O'Hara, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 50

Nays: Barrett, Belcourt, B. Bennett, G. Bennett, Blasdel, Boland, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Esp, Flynn, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, Klock, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Price, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.
Total 50

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Wilmer rose on a point of personal privilege to clarify a statement made by Representative Peterson about her communication certain parties about **HB 362**. She stated that she did ask whether or not the bill was constitutional, but did not ask for an opinion to be written that it was unconstitutional.

HB 402 - Representative Rosendale moved **HB 402** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner,

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

Warburton, Washburn, Welborn, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 401 - Representative Arntzen moved **HB 401** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Kennedy.

Total 1

HB 409 - Representative Beck moved **HB 409** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek,

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 492 - Representative Howard moved **HB 492** do pass. Motion carried as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 57

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Evans, Fitzpatrick, Flynn, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 42

Excused: None.

Total 0

Absent or not voting: Small.

Total 1

HB 414 - Representative Harris moved **HB 414** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil,

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Ehli, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman B. Bennett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Yates, Mr. Speaker.

Total 72

Nays: B. Bennett, Boland, Court, Hands, Hill, Hiner, MacDonald, McChesney, McClafferty, McNally, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Warburton, Williams, Wilmer.

Total 24

Excused: None.

Total 0

Absent or not voting: Arntzen, Malek, Salomon, Welborn.

Total 4

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman):
HB 341, introduced bill, be amended as follows:

2/17/2011

1. Title, page 1, line 6.

Following: "25-9-205"

Strike: ", "

Insert: "AND"

Following: "27-1-210,"

Strike: "33-3-431, AND 75-10-722,"

2. Title, page 1, line 7.

Strike: "IMMEDIATE"

3. Page 1, line 12.

Strike: "subsection (2)"

Insert: "subsections (2) and (3)"

4. Page 1, line 14 through line 16.

Strike: "equal" on line 14 through "1%" on line 16

Insert: "of 10% per year"

5. Page 1, line 18 through line 19.

Strike: "not" on line 18 through "5%" on line 19

6. Page 1, following line 19.

Insert: "(3) Interest on a judgment obtained in an action for recovery on an injury, as defined in 27-1-106, must be paid from the date the judgment is entered at a rate equal to the prime rate published by the federal reserve system in its statistical release H.15 Selected Interest Rates, or in any publication that may supersede it, plus 2%."

7. Page 1, line 23.

Strike: "as"

8. Page 1, line 25.

Following: "entered"

Insert: ", "

Strike: "1%"

Insert: "2%"

9. Page 2, line 13 through page 4, line 8.

Strike: strike sections 3 and 4 in their entirety

Renumber: subsequent sections

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

10. Page 4, line 17.

Strike: "on passage and approval"

Insert: "July 1, 2011"

11. Page 4, line 20.

Strike: "[the effective date of this act]"

Insert: "July 1, 2011"

And, as amended, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

2/17/2011

HB 271, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "APPLY FOR"

Insert: "OBTAIN"

2. Page 1, line 19.

Strike: "apply for"

Insert: "obtain"

And, as amended, do pass. Report adopted.

HB 496, do pass. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman):

2/15/2011

HB 426, introduced bill, be amended as follows:

1. Page 1, lines 20 and 21.

Strike: "agricultural" on line 20 through "purpose" on line 21

Insert: "production agriculture in tracts larger than 160 acres and land and facilities used for electric power generation, refining, or smelting"

And, as amended, do pass. Report adopted.

MOTIONS

Representative Rosendale moved to reconsider action taken on **HB 228** during second reading the previous day. Representative Sesso objected.

Motion carried as follows:

Yeas: Arntzen, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Edmunds, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, McNiven, Miller, More, O'Neil,

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2011

Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 52

Nays: Ankney, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 47

Excused: None.
Total 0

Absent or not voting: O'Hara.
Total 1

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HJR 10**
Motion carried.

HJR 10 (Hill Chief Sponsor)
Representative Di. Barrett, B. Bennett, Sands.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 12:30 p.m., Friday, February 18, 2011. Motion carried.

House adjourned at 2:50 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FORTIETH LEGISLATIVE DAY**

Helena, Montana
February 18, 2011

House Chambers
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Howard. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Hiner, excused. Quorum present.

BILLS (O'Hara, Chairman): 2/18/2011

Correctly printed: **HB 357, HB 358, HB 391, HB 430, HB 449, HB 459, HB 475, HB 483, HB 484, HB 497, HB 521, HB 522, HB 528, HB 536, HB 538, HB 541, HB 542, HB 545, HB 554, HB 557, HB 566.**

Correctly engrossed: **HB 166, HB 189, HB 285, HB 333, HB 370, HB 380, HB 387, HB 403, HB 431, HB 444, HB 460, HB 489, HB 491, HB 494, HB 543, HB 575.**

Representative Regier thanked the pages.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman): 2/17/2011
HB 166, introduced bill, be amended as follows:

1. Title, line 5 through line 6.

Strike: "SELLER" on line 5 through "AGENT" on line 6

Insert: "A PROPERTY OWNER"

2. Title, line 6.

Strike: "PROPERTY BUYER"

Insert: "THE OWNER'S AGENT AND THE PURCHASER"

3. Page 3, line 9.

Following: "property"

Strike: "seller" through "agent"

Insert: "person who owns the property"

4. Page 3, line 10.

Following: "and"

Insert: "the owner's agent and"

Strike: "or" through "agent"

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

5. Page 3, line 12.

Strike: "seller's" through "with"

Insert: "existence of"

And, as amended, do pass. Report adopted.

HB 497, do pass. Report adopted.

HB 541, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman):

2/17/2011

HB 285, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 2, line 2.

Following: "applicant"

Insert: ":(a)"

3. Page 2, line 3.

Strike: "either-sex"

Following: "season"

Insert: "; and

(b) may hunt only brow-tined or antlerless elk with that permit"

4. Page 2.

Following: line 7

Insert: "NEW SECTION. Section 3. Termination. [This act] terminates February 28, 2014."

And, as amended, do pass. Report adopted.

HB 370, introduced bill, be amended as follows:

1. Page 5, line 14.

Strike: "\$4"

Insert: "\$6"

And, as amended, do pass. Report adopted.

HB 387, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "AND PERMITS"

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

2. Title, page 1, line 6.

Strike: ","

Insert: "AND"

3. Title, page 1, line 7.

Strike: ", AND SPECIAL ELK AND DEER PERMITS"

4. Title, page 1, line 9.

Strike: "87-2-506,"

5. Title, page 1, line 10.

Strike: "A DELAYED"

Insert: "AN"

6. Page 1, line 24.

Strike: "9"

Insert: "8"

7. Page 3, line 6.

Strike: "8"

Insert: "7"

8. Page 4, line 3.

Strike: "8"

Insert: "7"

9. Page 5, line 6.

Strike: "8"

Insert: "7"

10. Page 5, line 7.

Strike: "9"

Insert: "8"

11. Page 5.

Following: line 15

Insert: "(5) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

12. Page 5, line 17 through page 6, line 2.

Strike: section 5 in its entirety

Renumber: subsequent sections

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

13. Page 6, line 30.

Strike: "8"

Insert: "7"

14. Page 7, line 1.

Strike: "9"

Insert: "8"

15. Page 7.

Following: line 10

Insert: "(5) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

16. Page 9, line 11.

Strike: "9"

Insert: "8"

17. Page 10, line 14.

Strike: "and permit"

18. Page 10, line 16 through line 17.

Following: the first "licenses" on line 16

Strike: ", "

Insert: "and"

Strike: ", and any" on line 16 through "type" on line 17

19. Page 10, line 21.

Strike: "and any applicable elk or deer permits"

20. Page 10, line 30.

Strike: "is successful" through "district"

Insert: "obtains the license applied for"

21. Page 11, line 10 through line 13.

Strike: subsection (7) in its entirety

Renumber: subsequent subsections

22. Page 11, line 16.

Strike: "9"

Insert: "8"

23. Page 11, line 17.

Strike: "six"

Insert: "five"

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

24. Page 12, line 5.

Strike: "8"

Insert: "7"

25. Page 12, line 13.

Following: "Sections"

Insert: "7 and"

Strike: "and 9"

26. Page 12, line 14.

Following: "sections"

Insert: "7 and"

27. Page 12, line 15.

Strike: "and 9"

28. Page 12, line 17.

Strike: "March 1, 2012"

Insert: "July 1, 2011"

And, as amended, do pass. Report adopted.

HB 449, do pass. Report adopted.

HB 475, do pass. Report adopted.

HB 536, do pass. Report adopted.

HB 554, do pass. Report adopted.

HB 566, do pass. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman):

2/17/2011

HB 380, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "LAWS; " on line 4

Strike: "ELIMINATING SALARY SCHEDULES FOR WATER AND SEWER DISTRICT BOARDS; GRANTING WATER AND SEWER DISTRICT BOARDS THE ABILITY TO SET THEIR OWN SALARIES;"

Insert: "REVISING THE METHOD OF ESTABLISHING THE MONTHLY SALARY FOR A MEMBER OF THE BOARD OF DIRECTORS OF A COUNTY WATER AND SEWER DISTRICT; PROVIDING THAT A BOARD MEMBER MAY RECEIVE A CERTAIN SALARY IF PROPOSED BY THE PRESIDENT OF THE BOARD AND APPROVED BY THE MEMBERS OF THE DISTRICT; CLARIFYING THE DUTIES OF BOARD PRESIDENTS; AUTHORIZING A VOTE ON THE MONTHLY SALARY OF BOARD MEMBERS;"

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

2. Title, page 1, line 12.

Following: "7-3-4302,"

Insert: "7-13-2225,"

Following: "7-13-2262,"

Insert: "7-13-2272, 7-13-2273,"

3. Title, page 1, line 13.

Strike: "7-13-2273,"

Following: "7-13-4208"

Strike: ", "

4. Page 1, line 17 through line 18.

Strike: section 1 in its entirety

Renumber: subsequent sections

5. Page 2, line 14.

Following: line 13

Insert: "Section 3. Section 7-13-2225, MCA, is amended to read:

"7-13-2225. Combination of elections. (1) The board of county commissioners in its discretion may combine in one election the election on the formation of the district, the election of directors, ~~and the election on incurring a bonded indebtedness, and, if applicable, the vote on the proposed monthly salary for members of the board of directors~~ so that the electors of the district may vote on all of these matters on the same date and at the same time.

(2) If the elections are combined, the board of county commissioners shall so declare by resolution containing the provisions required by 7-13-2321. If the elections are combined, the notice of the election ~~shall~~ must contain the names of the candidates, ~~and the details concerning the bonded indebtedness, and, if applicable, the proposed monthly salary for members of the board of directors as provided in 7-13-2273.~~

(3) Candidates for the office of director shall be nominated in the manner required by 7-13-2241 and 7-13-2246.""

Renumber: subsequent sections

6. Page 2, line 24.

Strike: "2"

Insert: "1"

7. Page 3, line 4.

Following: line 3

Insert: "Section 5. Section 7-13-2272, MCA, is amended to read:

"7-13-2272. Duties of board president. (1) The president shall sign all contracts on behalf of the district and perform ~~such~~ other duties as may be imposed by the board of directors.

(2) The president may propose a monthly salary for the members of the board of directors. The proposed monthly salary must be approved by the voters in the district pursuant to 7-13-2273.""

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

Insert: "Section 6. Section 7-13-2273, MCA, is amended to read:

"7-13-2273. Compensation of members of board -- approval by voters of district. (1)

Each of the members of the board of directors ~~shall~~ must receive a monthly salary ~~that may not exceed the following amounts:~~

~~_____ (1) \$60 in districts with a population of no more than 500 persons;~~
~~_____ (2) \$80 in districts with a population that exceeds 500 but is no more than 5,000 persons;~~
and

~~_____ (3) \$100 in districts with a population of more than 5,000 persons;~~ in an amount proposed by the president of the board and approved by a majority of the qualified voters of the district by one of the following methods:

(a) a vote by mail ballot, as provided in Title 13, chapter 19;

(b) a vote held in conjunction with a regular or primary election; or

(c) a vote at an annual organizational meeting of the district.

(2) A newly elected member of the board of directors must receive a monthly salary equal to the most recent amount approved by the qualified voters of the district pursuant to this section.

(3) A vote on the question of the proposed salary for members of the board of directors may be held in combination with the elections provided in 7-13-2225 if the vote is conducted by mail ballot or held in conjunction with a regular or primary election.

(4)(a) Notice of the vote on the proposed monthly salary for the members of the board of directors must be provided to the members of the district and state the following:

_____ (i) the date on which the vote will be held;

_____ (ii) the manner in which the vote will be held;

_____ (iii) the amount of the proposed monthly salary for the members of the board of directors;

and

_____ (iv) any other information regarding the vote that may be necessary.

(b) The notice must be published as provided in 13-1-108.

(5) For purposes of this section, "qualified voters of the district" means the voters qualified to vote on the question of the creation of the district as provided in 7-13-2212."

Renumber: subsequent subsections

8. Page 7, line 5.

Strike: line 5

9. Page 7, line 9.

Following: "instruction."

Strike: "[Sections 1 and 2] are"

Insert: "[Section 1] is"

10. Page 7, line 11.

Strike: "[sections 1 and 2]"

Insert: "[section 1]"

And, as amended, do pass. Report adopted.

HB 391, do pass. Report adopted.

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

HB 430, do pass. Report adopted.

HB 459, do pass. Report adopted.

HB 494, introduced bill, be amended as follows:

1. Page 1, line 14 through line 15.

Strike: "owned" on line 14 through "person" on line 15

Insert: "in the same ownership"

And, as amended, do pass. Report adopted.

HB 522, do pass. Report adopted.

HB 538, do pass. Report adopted.

HB 542, do pass. Report adopted.

HB 575, introduced bill, be amended as follows:

1. Page 5, line 2 through line 8.

Strike: subsection (6) in its entirety

2. Page 5, line 22.

Insert: "(4) (a) If fire protection services in the area to be annexed have been provided by a fire district organized under Title 7, chapter 33, part 21, the plan must include provisions for coordinating the transfer of fire protection services to the municipality and compensating the district, if necessary, for equipment and district expenses.

(b) Upon transfer of fire protection services, the existing boundaries of a rural fire district may be altered or the fire district may be dissolved as provided in 7-33-2401.

(c) Transfer of fire protection services from a fire district that has been in existence for more than 10 years at the time of the proposed annexation may not occur until 5 years after the annexation is finalized."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):

2/17/2011

HB 431, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: ";

Insert: "CLARIFYING THE DAY OF A HOLIDAY IF IT FALLS ON A SATURDAY;"

2. Page 1, line 25.

Following: "."

Insert: "If any of the above-enumerated holidays (except Sunday) fall on a Saturday, the Friday before is a holiday."

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

HB 484, do pass. Report adopted.

HB 528, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/17/2011

SB 42, introduced by Shockley

SB 54, introduced by Balyeat

SB 134, introduced by Olson

SB 184, introduced by Van Dyk

SB 229, introduced by Sonju

SB 267, introduced by Vincent

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 595, introduced by Stahl, Blasdel, referred to Appropriations.

HB 596, introduced by McGillvray, More, Loney, C. Smith, Balyeat, Knox, Zinke, Essmann, Hansen, Ehli, Read, Lewis, Steinbeisser, Blyton, Jackson, G. Bennett, Hale, Stahl, referred to Taxation.

HB 597, introduced by Reichner, referred to State Administration.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 19, introduced by Furey, Larsen, Wilmer, F. Smith, Schmidt, Erickson, Howard, Jent, Hunter, MacDonald, Belcourt, Phillips, Hawks, Swanson, K. Williams, Hands, Cook, Noonan, Di. Barrett, Yates, J. Peterson, Price, McClafferty, McChesney, Malek, Boland, Vuckovich, Hollenbaugh, McNally, Stahl, Brodehl, Mehlhoff, B. Bennett, Hiner, Hoven, Windy Boy, Blyton, Squires, Hill, Hendrick, Ankney, Skattum, Small, Milburn, Menahan, Hollandsworth, Driscoll, Cuffe, Pease-Lopez, O'Neil, Osmundson, Flynn, Hutton, Branae, Moss, Clark, McNutt, Lewis, Knudsen, Gallus, Hamlett, Ripley, More, Zinke, Brenden, Klock, Murphy, Ehli, Blasdel, Knox, Kerns, Loney, Lavin, G. Bennett, Harris, Skees, Evans, Reichner, Taylor, Ingraham, McGillvray, Greef, Warburton, Shockley, Esp, Read, Roberts, Gibson, referred to State Administration.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 81 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands,

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 70

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Flynn, Hansen, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McNiven, Miller, More, Randall, Skattum, Skees, C. Smith, Vance.

Total 26

Excused: Hiner.

Total 1

Absent or not voting: Harris, Peterson, Stahl.

Total 3

HB 134 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Hale, Kerns, Knox, Randall.

Total 4

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 203 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick,

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: G. Bennett, Edmunds, Esp, Hale, Kerns, Knox, McGillvray, McNutt, Miller, Randall, Wagner.
Total 11

Excused: Hiner.
Total 1

Absent or not voting: None.
Total 0

HB 306 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 69

Nays: Barrett, B. Bennett, Blyton, Boland, Driscoll, Furey, Hands, Hill, Hollenbaugh, Ingraham, MacDonald, Malek, McClafferty, McNally, McNiven, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, Squires, Swanson, Williams, Wilmer.
Total 30

Excused: Hiner.
Total 1

Absent or not voting: None.
Total 0

HB 310 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill,

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Hiner.

Total 1

Absent or not voting: Cuffe.

Total 1

HB 312 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 401 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds,

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 402 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 64

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 35

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 409 passed as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans,

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Ankney.

Total 1

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 492 passed as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 58

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Evans, Fitzpatrick, Flynn, Furey, Hands, Hill, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 40

Excused: Hiner.

Total 1

Absent or not voting: Small.

Total 1

HB 414 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen,

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Ehli, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 34

Excused: Hiner.
Total 1

Absent or not voting: None.
Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Loney in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 337 - Representative Menahan moved **HB 337** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Brodehl, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Vance, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 70

Nays: G. Bennett, Berry, Blasdel, Blyton, Burnett, Cook, Esp, Evans, Hale, Harris, Hendrick, Kennedy, Kerns, Knox, Knudsen, McGillvray, Miller, More, Osmundson, Randall, Roberts, Skattum, Skees, C. Smith, Stahl, Wagner, Warburton, Welborn.
Total 28

Excused: None. Total 0

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

Absent or not voting: Clark, Klock.

Total 2

HB 399 - Representative McGillvray moved consideration of **HB 399** be passed for the day.
Motion carried.

HB 438 - Representative McGillvray moved consideration of **HB 438** be passed for the day.
Motion carried.

HB 386 - Representative Stahl moved **HB 386** do pass. Motion carried unanimously.

HB 410 - Representative Beck moved **HB 410** do pass. Motion carried unanimously.

HB 227 - Representative Wagner moved **HB 227** do pass. Motion **failed** as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 49

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: Klock.

Total 1

HB 412 - Representative Harris moved **HB 412** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 62

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Burnett, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 37

Excused: None.

Total 0

Absent or not voting: Clark.

Total 1

HB 230 - Representative Gibson moved **HB 230** do pass.

HB 230 - Representative Gibson moved **HB 230**, second reading copy, be amended as follows:

1. Title, page 1, line 10.

Following: "PROCEDURE;"

Insert: "EXPRESSING LEGISLATIVE INTENT FOR A REDUCED LEVEL OF FUNDING;
ELIMINATING A STAFF POSITION;"

2. Page 2, line 17.

Following: "~~bureau~~;"

Insert: "It is the intent of the legislature that the board of crime control shall operate within a level of funding that is reduced by the amount of salary and benefits that was paid to the former executive director and the former bureau chief of the community justice bureau of the board of crime control, and that the position of bureau chief of the community justice bureau of the board of crime control be permanently eliminated."

3. Page 2, line 18.

Following: "~~other~~"

Insert: "other"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner,
Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: None.
Total 0

Excused: Hiner.
Total 1

Absent or not voting: Squires.
Total 1

HB 230 - Representative Gibson moved **HB 230**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 95

Nays: Hansen, Lavin, Taylor, Wagner, Welborn.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 352 - Representative Osmundson moved **HB 352** do pass.

HB 352 - Representative Osmundson moved **HB 352**, second reading copy, be amended as follows:

1. Page 1, line 17.

Following: "grant"

Insert: "for a period of up to 5 years"

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

2. Page 1, line 19.

Strike: "post signs warning"

Insert: "warn"

3. Page 1, line 20.

Following: "consumed"

Insert: "by:

(a) posting signs at locations required by the variance or exemption for the period granted by the variance or exemption; and

(b) delivering annual notices as required by the variance or exemption to users of the public water system"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 82

Nays: B. Bennett, Court, Hands, Hill, Hunter, MacDonald, Malek, McClafferty, Pease-Lopez, Phillips, Reinhart, Sands, F. Smith, Squires, Wilmer.

Total 15

Excused: Hiner.

Total 1

Absent or not voting: Noonan, Salomon.

Total 2

HB 352 - Representative Osmundson moved **HB 352**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner,

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 80

Nays: Barrett, Belcourt, B. Bennett, Boland, Driscoll, Hill, Hiner, Hollenbaugh, Hunter, Malek, McNally, Reinhart, Sands, Squires, Swanson, Williams, Wilmer.
Total 17

Excused: None.
Total 0

Absent or not voting: Court, Furey, Price.
Total 3

HB 419 - Representative Beck moved **HB 419** do pass. Motion carried unanimously.

HB 359 - Representative Vance moved **HB 359** do pass. Motion carried unanimously.

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Loney moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 94

Nays: Furey, McNally, Price, Schmidt, F. Smith.
Total 5

Excused: Hiner.
Total 1

Absent or not voting: None.
Total 0

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (MacLaren, Chairman):
HB 403, introduced bill, be amended as follows:

2/17/2011

1. Title, page 1, line 7.

Strike: "CONSERVATION EASEMENT"

Insert: "COVENANT"

Following: "AMENDING" on line 7

Strike: "SECTION"

Insert: "SECTIONS 70-17-203 AND"

2. Page 1, line 11.

Following: line 10

Insert: "Section 1. Section 70-17-203, MCA, is amended to read:

"70-17-203. Covenants that run with land. (1) Except as provided in 70-1-522, every covenant contained in a grant of an estate in real property that is made for the direct benefit of the property or some part of the property then in existence runs with the land.

(2) Subsection (1) includes:

(a) covenants of warranty, for quiet enjoyment, or for further assurance on the part of the grantor and covenants for the payment of rent or of taxes or assessments upon the land on the part of a grantee; ~~and~~

(b) conservation easements pursuant to 76-6-209; or

(c) a dedication of open space as provided in 76-3-509.

(3) A covenant for the addition of some new thing to real property or for the direct benefit of some part of the property not then in existence or annexed to the property, when contained in a grant of an estate in the property and made by the covenantor expressly for the covenantor's assigns or to the assigns of the covenantee, runs with the land so far as the assigns mentioned are concerned.""

Renumber: subsequent sections

3. Page 1, line 22 through line 23.

Following: "irrevocable" on line 22

Strike: "easement,"

Following: "covenant" on line 22

Strike: ", deed restriction, or other servitude or instrument"

4. Page 1, line 24.

Following: "parcels" on line 24

Insert: ", as provided in Title 70, chapter 17, part 2"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

STATE ADMINISTRATION (Ingraham, Chairman):
HB 189, introduced bill, be amended as follows:

2/18/2011

1. Title, page 1, line 7 through line 8.

Strike: "INCREASING" on line 7 through ";," on line 8

2. Title, page 1, line 15.

Strike: "19-20-605, 19-20-607,"

3. Page 6, line 13 through page 7, line 29.

Strike: section 3 through section 4 in their entirety

Renumber: subsequent sections

4. Page 12, line 16 through line 22.

Strike: section 9 in its entirety

Insert: "NEW SECTION. Section 7. Transfer of excess school district retirement fund reserves to retirement systems. (1) On September 1, 2011, the trustees of a district maintaining a retirement fund as provided in 20-9-501 shall pay to the teachers' retirement system and the public employees' retirement system the lesser of:

 (a) the amount earmarked as an operating reserve on the adopted retirement fund budget for fiscal year 2011 minus 20% of the adopted retirement fund budget for fiscal year 2011; or

 (b) the retirement fund balance for fiscal year 2011 minus the allowable retirement fund operating reserve for fiscal year 2012.

 (2) To determine the amounts to be paid to each retirement system as required by subsection (1), the trustees of a district shall use the same ratio of payments made to the retirement systems in fiscal year 2011."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 444, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "AND THE UNIVERSITY SYSTEM"

Following: ";,"

Insert: "AND"

2. Title, line 9.

Following: "AUTHORITY"

Strike: remainder of line 9 through "MCA"

3. Page 1, line 24.

Strike: "if possible"

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

4. Page 2, line 4.

Following: "(4)"

Insert: "(a)"

5. Page 2, line 5.

Following: "institutions" on line 5

Strike: ", including"

Insert: "."

6. Page 2, line 6.

Following: line 5

Insert: "(b) The term does not include"

7. Page 2, line 29.

Following: "available"

Insert: "in a cost-effective manner"

8. Page 3, line 1.

Strike: "identification of contract,"

9. Page 4, line 4.

Following: "constitution"

Insert: "or any state or federal law"

10. Page 4, line 14.

Strike: "only"

11. Page 4, line 21.

Following: line 20

Insert: "(i) the cost-effectiveness of providing the information;"

Renumber: subsequent subsections

12. Page 4, line 23.

Following: "considerations"

Insert: "; and

(e) evaluate the cost-effectiveness of implementing specific information resources and features on the website"

13. Page 4, line 29 through page 5, line 17.

Strike: section 7 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 483, do pass. Report adopted.

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

HB 489, introduced bill, be amended as follows:

1. Page 1, line 16.

Strike: "kept involuntarily"

Following: "public"

Insert: "or private"

2. Page 1, line 18.

Following: "reservation"

Insert: "or of being deployed"

3. Page 1, line 29 through line 30.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

HB 491, introduced bill, be amended as follows:

1. Page 1, line 17.

Following: "by"

Insert: "for-profit,"

Following: "not-for-profit"

Insert: ", "

And, as amended, do pass. Report adopted.

HB 521, do pass. Report adopted.

HB 543, introduced bill, be amended as follows:

1. Page 2.

Following: line 6

Insert: "(c) If the model code, rule, or other publication is made available on the agency's website, the website may provide either the full text of the model code, rule, or other publication or a link to the official electronic text of the model code, rule, or other publication."

And, as amended, do pass. Report adopted.

HB 545, do pass. Report adopted.

HB 557, do pass. Report adopted.

TAXATION (Blasdel, Chairman):

2/18/2011

HB 333, introduced bill, be amended as follows:

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

1. Title, page 1, line 7.

Following: "PROPERTY;"

Insert: "ESTABLISHING REQUIREMENTS FOR INCLUDING THE SALES IN THE COMPARABLE SALES METHOD;"

Strike: "SECTION"

Insert: "SECTIONS 15-7-307 AND"

2. Page 1.

Following: line 11

Insert: "**Section 1.** Section 15-7-307, MCA, is amended to read:

"15-7-307. Certificate -- exceptions. The certificate required by this part applies to all transfers. However, the certificate filed for the following transfers need not disclose the consideration paid or to be paid for the real estate transferred:

- (1) an instrument recorded prior to July 1, 1975;
- (2) the sale of agricultural land when the land is used for agricultural purposes;
- (3) the sale of timberland when the land is used for producing timber;
- (4) a transfer by the United States, this state, or any instrumentality, agency, or subdivision of the United States or this state;
- (5) an instrument that (without added consideration) confirms, corrects, modifies, or supplements a previously recorded instrument;
- (6) a transfer pursuant to a court decree;
- (7) a transfer pursuant to mergers, consolidations, or reorganizations of corporations, partnerships, or other business entities;
- (8) a transfer by a subsidiary corporation to its parent corporation without actual consideration or in sole consideration of the cancellation or surrender of subsidiary stock;
- (9) a transfer of decedents' estates;
- (10) a transfer of a gift;
- (11) a transfer between husband and wife or parent and child with only nominal actual consideration for the transfer;
- (12) an instrument the effect of which is to transfer the property to the same party or parties;
- (13) a sale for delinquent taxes or assessments, sheriff's sale, or a sale pursuant to a bankruptcy action court order, ~~or mortgage foreclosure~~;
- (14) a transfer made in contemplation of death."

Renumber: subsequent sections

3. Page 1, line 24 through line 27.

Strike: subsection (d) in its entirety

Insert: "(d) (i) Except as provided in subsection (2)(d)(ii), if the department uses comparable sales as one approximation of market value and if sufficient, relevant information is available on sales of residential properties that have been sold as real estate owned or short sales, the department shall include the sales in the comparable sales method to appraise residential property if the sales constitute more than 5% of the sales of residential property in a specific market area. For the purpose of this subsection (2)(d), real estate owned and short sales include:

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

(A) a sale by a financial institution because of foreclosure of the property for nonpayment of mortgage if disclosure of the trustee's sale is made, together with the sale price, on the realty transfer certificate pursuant to 15-7-305;

(B) a sale by the owner of the property at an auction that is held for nonpayment of mortgage if:

(I) the auction is advertised and the advertisement includes a statement that the seller has a minimum bid or the right of refusal of all bids. The advertisement must be published in a newspaper that meets the requirements of 7-1-2121 at least three times before the auction, with at least 6 days separating publications.

(II) disclosure of the auction sale is made, together with the sale price, on the realty transfer certificate pursuant to 15-7-305;

(C) a short sale of the property if:

(I) the short sale is made for nonpayment of mortgage;

(II) the short sale is disclosed as a short sale in the listing with a realty company;

(III) disclosure of the short sale is made, together with the sale price, on the realty transfer certificate pursuant to 15-7-305; and

(IV) the short sale by the owner of the property is verified by the department.

(ii) The following sales of residential property may not be included in the comparable sales method to value residential property:

(A) sales of vandalized property;

(B) forced sales by a sheriff, receiver, or other court officer as the result of a court order;

(C) a real estate owned sale not included in subsection (2)(d)(i)."

And, as amended, do pass. Report adopted.

HB 357, do pass. Report adopted.

HB 358, do pass. Report adopted.

HB 460, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "DOES NOT"

Insert: "MAY"

2. Page 5, line 22.

Strike: "inapplicability to"

Insert: "optional declaration for"

3. Page 5, line 27.

Following: "(2)"

Insert: "A declaration for a townhome or townhouse may be executed under this section."

Strike: "do not"

Following: "townhouses"

Insert: "only if a declaration is executed under this section."

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 20, introduced by Skees, referred to Human Services.

MOTIONS

Representative McGillvray moved **HB 240** be moved from the Committee of the Whole back to the Taxation committee.

Representative McGillvray moved **HB 585** be moved from the State Administration committee to the Appropriations committee.

Representative McGillvray moved **HB 386** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative Hendrick moved that **HB 304** be taken from the Business and Labor Committee and placed on Second Reading.

Motion carried as follows:

Yeas: Ankney, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Skattum, Skees, Stahl, Taylor, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 50

Nays: Barrett, Belcourt, B. Bennett, Driscoll, Gibson, Hands, Hill, Hollenbaugh, Ingraham, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Pease-Lopez, Peterson, Phillips, Price, Roberts, Sands, Schmidt, Sesso, F. Smith, Swanson, Williams, Wilmer.
Total 28

Excused: Hiner.
Total 1

Absent or not voting: Arntzen, Berry, Boland, Clark, Court, Evans, Furey, Greef, Hunter, Klock, McNiven, Noonan, Reichner, Reinhart, Rosendale, Salomon, Small, C. Smith, Squires, Vance, Welborn.
Total 21

HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2011

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 551**
Motion carried.

HB 551 (Flynn Chief Sponsor)
Representative MacLaren.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Saturday, February 19, 2011. Motion carried.

House adjourned at 2:39 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FORTY-FIRST LEGISLATIVE DAY**

Helena, Montana
February 19, 2011

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative B. Bennett. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Hiner, excused. Quorum present.

BILLS (O'Hara, Chairman): 2/19/2011

Correctly printed: **HB 304, HB 445, HB 481, HB 487, HB 508, HB 525, HB 526, HB 547, HB 550, HB 551, HB 559, HB 563, HB 573, HB 593, HJR 17.**

Correctly engrossed: **HB 188, HB 291, HB 405, HB 441, HB 457, HB 517, HB 531, HB 574.**

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman): 2/18/2011
HB 188, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "ESTATE APPRAISERS;"

Insert: "AND"

2. Title, page 1, line 8 through line 9.

Strike: ";" on line 8 through "DATE" on line 9

3. Page 1, line 28 through page 2, line 1.

Strike: "an" on page 1, line 28 through "securitization" on page 2, line 1

Insert: ", in connection with valuation of properties collateralizing mortgage loans or mortgages incorporated into a securitization, an external third party, authorized either by a creditor of a consumer credit transaction secured by a consumer's principal dwelling or by an underwriter of or other principal in the secondary mortgage markets, that oversees a network or panel of more than 15 certified or licensed appraisers in this state or 25 or more nationally within a given year"

4. Page 4, line 15.

Strike: "-- exemption"

Following: "(1)"

Insert: "(a)"

5. Page 4, line 16 through line 29.

Following: "person" on line 16

Strike: "," on line 16 through "board." on line 29

Insert: "to directly or indirectly engage in or attempt to engage in business as an appraisal

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

management company or to advertise or hold itself out as engaging in or conducting business as an appraisal management company in this state without first obtaining a registration issued by the board.

(b) An applicant for registration as an appraisal management company in this state shall submit an application to the board on forms prescribed by the department.

(c) If a registration process is not in effect on October 1, 2011, an appraisal management company already conducting business in this state may continue to conduct business in accordance with this chapter until 120 days after a registration process becomes available. Upon expiration of the 120-day period, the appraisal management company must be registered as required by this chapter in order to continue to provide or offer to provide appraisal management services in this state."

6. Page 4, line 22 through line 29.

Insert: "(2) An application for the registration required by subsection (1) must include the following information:

(a) the name of the person seeking registration and the fictitious name or names, if any, under which the person does business in any state;

(b) the business address of the person seeking registration;

(c) the phone contact information of the person seeking registration;

(d) if the appraisal management company is not a corporation domiciled in this state, the name and contact information for the company's designated contact for service of process in this state;

(e) the name, address, and contact information for one controlling person within the appraisal management company;

(f) a certification that the person has a system and process in place to verify that an individual holds a license in good standing in this state pursuant to 37-54-202 if a license or certification is required to perform appraisal assignments;

(g) a certification that the person requires appraisers completing appraisal assignments at its request to comply with the Uniform Standards of Professional Appraisal Practice, including the requirements for geographic and product competence;

(h) a certification that the person has a system in place to verify that only licensed or certified appraisers are used for federally related transactions;

(i) a certification that the person has a system in place to require that appraisals are conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established under section 129E of the Truth in Lending Act of 1968, 15 U.S.C. 1601, et seq., including the requirement that the fee appraisers be compensated at a customary and reasonable rate when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer;

(j) a certification that the person maintains a detailed record of each service request that it receives and the appraiser that performs the appraisal service for the appraisal management company;

(k) an irrevocable uniform consent to service of process; and

(l) any other information required by the board that is reasonably necessary to implement this chapter.

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

(3) An application for renewal of a registration must include information substantially similar to that required for the initial registration in subsection (2), as determined by the board.

(4) Renewals of registered appraisal management companies must be in accordance with 37-1-141. The department shall provide notice to an appraisal management company prior to the renewal date."

7. Page 5, line 1.

Strike: "Exemption"

Insert: "Registration exemptions"

Following: "."

Insert: "(1)"

8. Page 5, following line 2.

Insert: "(2) An appraisal management company that is a subsidiary owned and controlled by a financial institution that is regulated by a federal financial institution regulatory agency is not required to register with the board but shall comply with all provisions of this chapter, as long as the provisions of this chapter do not conflict with federal law related to the operation of an appraisal management company in this state."

9. Page 5, line 7.

Following: "state"

Insert: "unless the license or certificate was subsequently granted or reinstated"

10. Page 5, line 9.

Following: "state"

Insert: "unless the license or certificate was subsequently granted or reinstated"

11. Page 5, line 14.

Following: "entity that"

Insert: "directly"

12. Page 5, line 15.

Following: "entity that"

Insert: "directly"

Following: the second "10%"

Insert: "directly"

13. Page 5, line 26.

Following: "state"

Insert: "unless the license or certificate was subsequently granted or reinstated"

14. Page 6, line 4.

Following: "revocation"

Insert: "unless the license or certificate was subsequently granted or reinstated"

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

15. Page 6, line 7.

Following: "revocation"

Insert: "unless the license or certificate was subsequently granted or reinstated."

16. Page 6, line 8 through line 11.

Strike: subsection (3) in its entirety

17. Page 6, line 14.

Following: "review"

Insert: "for a property located in this state"

18. Page 6, line 15 through line 16.

Following: "certified in"

Strike: "the" on line 15 through "located" on line 16

Insert: "this state"

19. Page 6, line 27.

Following: "."

Insert: "Verification by reference to information published on the website of the appraisal subcommittee of the federal financial institutions examination council must be considered acceptable for purposes of compliance with this section."

20. Page 6, line 30.

Following: "board"

Insert: "on an annual basis"

21. Page 7, line 1.

Following: "verify"

Strike: "on an annual basis"

22. Page 7, line 6.

Following: "board"

Insert: "on an annual basis"

23. Page 7, line 7.

Following: "verify"

Strike: "on an annual basis"

24. Page 7, line 11.

Following: "."

Insert: "Verification by reference to information published on the website of the appraisal subcommittee of the federal financial institutions examination council must be considered acceptable for purposes of compliance with this section."

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

25. Page 7, line 14.

Following: "board"

Insert: "on an annual basis"

26. Page 7, line 16.

Strike: "ensure"

Insert: "validate"

27. Page 7, line 19.

Strike: "Annual audit"

Insert: "Audits"

28. Page 7, line 19 through line 28.

Strike: subsections (1) through (3) in their entirety

Insert: "Upon renewal, not less than 10% of the appraisal management companies in this state must be subjected to a random audit. Audited appraisal management companies shall submit the recordkeeping documentation described in [section 15] for the 12-month period prior to renewal and any other documentation the board requests to validate compliance with this chapter. Any costs incurred by the board during an audit may be attributed to the appraisal management company."

29. Page 8, line 1.

Following: "board"

Insert: "on an annual basis"

30. Page 8, line 1 through line 2.

Following: "documentation"

Strike: "on" on line 1 through "basis" on line 2

31. Page 8, line 10 through line 17.

Strike: section 16 in its entirety

Renumber: subsequent sections

32. Page 8, line 22.

Strike: "instruction,"

33. Page 9, line 11.

Following: "appraiser;"

Insert: "or"

34. Page 9, line 12 through line 17.

Strike: "(i)" on line 12 through "; or" on line 17

Renumber: subsequent subsection

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

35. Page 9, line 18.

Strike: "(j)"

Insert: "(i)"

36. Page 9, following line 21.

Insert: "(a) consider additional appropriate property information that falls within the original scope of work for that appraisal service;"

Renumber: subsequent subsections

37. Page 9, line 26.

Strike: "or substandard performance of services"

38. Page 10, line 2.

Following: "appraiser"

Insert: "unless the alteration is mandated by federal laws, guidelines, or provisions. This section does not apply to the conversion of appraisal reports to data streams required by federal lending agencies"

39. Page 10, line 7.

Following: "Advertising."

Insert: "(1)"

40. Page 10, line 8 through line 9.

Following: "number" on line 8

Strike: "in" on line 8 through "internet" on line 9

Insert: "on its engagement letter for each appraisal assignment"

41. Page 10, following line 9.

Insert: "(2) An appraiser who completes work for an unregistered or suspended appraisal management company is subject to disciplinary action for unprofessional conduct. An appraiser shall list the appraisal management company's approved registration number in the body of the appraisal report."

42. Page 10, line 14.

Following: "examination"

Insert: ", including items that are found to be incomplete within the defined scope of work in the original assignment"

43. Page 10, line 17.

Following: "area"

Insert: "and the appraiser has notified the appraisal management company of the issue"

44. Page 10, line 20.

Following: "obligations"

Insert: "and the appraiser has notified the appraisal management company of the issue"

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

45. Page 10, line 21.

Following: "inhibits"

Insert: "legal and allowable"

46. Page 11, line 4.

Strike: "22"

Insert: "21"

47. Page 11, line 6.

Strike: "22"

Insert: "21"

48. Page 11, line 8.

Strike: section 24 in its entirety

And, as amended, do pass. Report adopted.

HB 405, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "ELIMINATION"

Insert: "THE REDUCTION"

2. Title, page 1, line 7.

Following: "INTERVENTIONS"

Insert: "UNLESS MEDICAL MALPRACTICE IS SHOWN BY CLEAR AND CONVINCING EVIDENCE"

3. Page 1, line 28.

Following: "liability"

Insert: ", unless medical malpractice is shown by clear and convincing evidence,"

4. Page 2, line 13.

Following: "liability"

Insert: ", unless medical malpractice is shown by clear and convincing evidence,"

5. Page 2, line 21.

Strike: "Elimination"

Insert: "the Reduction"

6. Page 3, line 7.

Strike: "."

Insert: "meets the qualifications in 26-2-601."

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

7. Page 3, line 8 through line 16.

Strike: subsections (a) through (d) in their entirety

8. Page 3, line 23.

Following: "rationale"

Insert: ", unless medical malpractice is shown by clear and convincing evidence"

9. Page 3, line 25.

Following: "and"

Insert: "in the absence of clear and convincing evidence that the medical provider committed malpractice"

10. Page 4, line 6.

Following: "and"

Insert: "in the absence of clear and convincing evidence that the medical provider committed malpractice"

11. Page 4, following line 8.

Insert: "(4) The court in which the medical malpractice claim related to an error of omission is filed may, upon a motion made by any party to the malpractice claim, determine as a matter of law whether [sections 1 through 5] apply in a malpractice claim brought against a medical provider."

Renumber: subsequent subsection

12. Page 4, line 12 through line 21.

Strike: section 4 in its entirety

Renumber: subsequent sections

13. Page 5, line 1.

Insert: "NEW SECTION. **Section 6. Survey to track effectiveness.** (1) The Montana medical legal panel shall develop a survey in order to determine whether [sections 1 through 6] are achieving the desired effect of reducing the practice of defensive medicine by physicians in Montana and shall submit the survey to the board of medical examiners for its approval.

(2) Once the survey is approved by the board of medical examiners, the Montana medical legal panel shall submit the survey on an annual basis to all physicians actively practicing medicine in the state of Montana.

(3) The results of the survey submitted to the board of medical examiners are a public record."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

HB 441, introduced bill, be amended as follows:

1. Page 1, line 26.

Following: "if"

Strike: "a" through the second "claim"

Insert: "a claim or cause of action that has accrued under this section is not brought within the period of limitation, the claim or cause of action"

And, as amended, do pass. Report adopted.

HB 487, do pass. Report adopted.

HB 547, do pass. Report adopted.

HB 563, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 2/14/2011

HB 291, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 9

Strike: "LIMITING THE REFUND TO THE CUSTOMER'S PRINCIPAL RESIDENCE;"

2. Title, page 1, line 10

Following: "COSTS;" on line 10

Insert: "LIMITING THE REFUND TO A CERTAIN PERIOD OF TIME;"

3. Page 2, line 2.

Following: "extension." on line 2

Insert: "A refund may not be issued after 20 years from the date the initial extension is established."

4. Page 2, line 3 through line 7

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 2/18/2011

HB 550, do pass. Report adopted.

HB 593, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

2/18/2011

HB 457, introduced bill, be amended as follows:

1. Title, line 5.

Following: "WOMAN"

Insert: "OR HER UNBORN CHILD"

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

2. Title, line 6.

Following: "WOMAN"

Insert: "OR HER UNBORN CHILD"

3. Page 1, line 10.

Following: "woman"

Insert: "or her unborn child"

4. Page 1, line 11.

Following: "woman"

Insert: "or her unborn child"

5. Page 1, line 19.

Following: "woman"

Insert: "or her unborn child"

6. Page 1, line 20.

Following: the first "woman"

Insert: "or her unborn child"

Following: the second "woman"

Insert: "or her unborn child"

7. Page 1, line 22.

Following: "woman"

Insert: "or her unborn child"

And, as amended, do pass. Report adopted.

HB 574, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "PROVIDE"

Insert: "CLARIFY"

2. Title, line 6 through line 7.

Strike: "AND" on line 6 through "PROHIBITS" on line 7

Insert: "OR"

3. Page 1, line 13.

Strike: "(1)"

4. Page 1, line 14.

Following: "abortion"

Insert: "or the public funding of abortion"

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

5. Page 1, line 15.

Strike: subsection (2) in its entirety

6. Page 1, line 27.

Strike: "prohibiting the public funding of abortion and"

Following: "is no"

Insert: "state"

7. Page 1, line 28.

Following: "abortion"

Insert: "or the public funding of abortion"

8. Page 1, line 29.

Strike: "prohibiting the public funding of abortion and"

Following: "is no"

Insert: "state"

9. Page 1, line 30.

Following: "abortion"

Insert: "or the public funding of abortion"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Hendrick, Chairman):

2/18/2011

HB 481, do pass. Report adopted.

TRANSPORTATION (Vance, Chairman):

2/18/2011

HB 517, introduced bill, be amended as follows:

1. Page 1, line 29.

Following: "require"

Insert: "all trucks and"

And, as amended, do pass. Report adopted.

HJR 17, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/18/2011

SB 97, introduced by Shockley

SB 144, introduced by Brenden

SB 168, introduced by Van Dyk

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

SB 242, introduced by Brenden

SB 268, introduced by Balyeat

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 598, introduced by Knudsen, referred to Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 230 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Hansen, Lavin, MacDonald, Wagner.

Total 4

Excused: Hiner.

Total 1

Absent or not voting: Washburn.

Total 1

HB 337 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reichner,

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 68

Nays: G. Bennett, Blasdel, Blyton, Burnett, Cook, Esp, Evans, Hale, Harris, Hendrick, Howard, Kennedy, Kerns, Knox, Knudsen, McGillvray, Miller, More, Osmundson, Randall, Read, Regier, Roberts, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Welborn.
Total 31

Excused: Hiner.
Total 1

Absent or not voting: None.
Total 0

HB 352 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 84

Nays: B. Bennett, Court, Driscoll, Hill, Hollenbaugh, Hunter, Malek, McClafferty, McNally, Pease-Lopez, Reinhart, Sands, F. Smith, Squires, Swanson.
Total 15

Excused: Hiner.
Total 1

Absent or not voting: None.
Total 0

HB 359 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson,

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Hiner.

Total 1

Absent or not voting: Hoven.

Total 1

HB 410 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 412 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith,

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Burnett, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hollenbaugh, Hunter, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 36

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 419 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Randall in the chair.

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 480 - Representative Menahan moved **HB 480** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 95

Nays: Fitzpatrick, Miller, More, Wagner, Welborn.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 321 - Representative Kerns moved **HB 321** do pass.

HB 321 - Representative McGillvray moved for cloture.

HB 321 - Representative Kerns moved **HB 321** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 61

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 39

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 346 - Representative Beck moved **HB 346** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 161 - Representative Milburn moved **HB 161** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 37

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 471 - Representative Kennedy moved **HB 471** do pass. Motion carried as follows:

Yeas: Ankney, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 59

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Burnett, Cook, Court, Driscoll, Fitzpatrick, Flynn, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 40

Excused: None.

Total 0

Absent or not voting: Arntzen.

Total 1

HB 523 - Representative Esp moved consideration of **HB 523** be placed below HB 366 on the second reading board. Motion carried.

HJR 15 - Representative Reinhart moved **HJR 15** be adopted. Motion **failed** as follows:

Yeas: Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer.

Total 41

Nays: Ankney, Bangerter, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson,

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Yates, Mr. Speaker.
Total 58

Excused: None.
Total 0

Absent or not voting: Arntzen.
Total 1

HB 366 - Representative Rosendale moved **HB 366** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 35

Excused: None.
Total 0

Absent or not voting: Arntzen, More.
Total 2

HB 523 - Representative McGillvray moved consideration of **HB 523** be passed for the day. Motion carried.

HB 448 - Representative Kerns moved **HB 448** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon,

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Brodehl, Cook, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 36

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 338 - Representative Esp moved **HB 338** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 426 - Representative MacLaren moved **HB 426** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham,

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 498 - Representative MacLaren moved **HB 498** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Belcourt.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

HB 399 - Representative Arntzen moved **HB 399** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Osmundson.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

House Recessed.

House Reconvened.

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Randall moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Taylor, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 71

Nays: Belcourt, B. Bennett, Boland, Hands, Hill, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 21

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

Excused: Hiner.

Total 1

Absent or not voting: Harris, Lavin, MacLaren, Reichner, Stahl, Vance, Welborn.

Total 7

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman):

2/18/2011

HB 531, introduced bill, be amended as follows:

1. Page 3, line 21.

Following: "(b)(i)"

Strike: "If"

Insert: "Except as provided in subsection (6)(b)(iii), if"

2. Page 3, line 28.

Insert: "(iii) If there are two or more nonsettling defendants, the defendants shall mutually agree, within a reasonable time after having received notice of settlement or release and having received the settlement or release document, whether to proceed under subsection (6)(a)(i) or (6)(a)(ii). If the nonsettling defendants cannot jointly agree on an option under subsection (6)(a)(i) or (6)(a)(ii), then the nonsettling defendants shall proceed under subsection (6)(a)(i)."

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Howard, Chairman):

2/18/2011

HB 445, do pass. Report adopted.

HB 526, do pass. Report adopted.

HB 551, do pass. Report adopted.

HB 559, do pass. Report adopted.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Randall in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 523 - Representative Arntzen moved consideration of **HB 523** be placed at the top of the second reading board. Motion carried.

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

HB 523 - Representative Arntzen moved **HB 523** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 91

Nays: G. Bennett, Hale, Kennedy, Kerns, Knox, More, O'Neil.
Total 7

Excused: None.
Total 0

Absent or not voting: Hands, F. Smith.
Total 2

HB 341 - Representative C. Smith moved **HB 341** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: Edmunds, More, O'Neil.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

HB 342 - Representative C. Smith moved **HB 342** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Osmundson, Pease-Lopez, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Ankney, Belcourt, Boland, Connell, Court, Cuffe, Driscoll, O'Hara, Peterson, Phillips.

Total 10

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HB 408 - Representative C. Smith moved **HB 408** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Mr. Speaker.

Total 66

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer, Yates.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

HB 416 - Representative Klock moved **HB 416** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hiner, Hollandsworth, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Washburn, Welborn, Mr. Speaker.

Total 58

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Connell, Court, Driscoll, Furey, Hands, Harris, Hill, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, MacDonald, Malek, McClafferty, McNally, Menahan, More, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Warburton, Williams, Wilmer, Yates.

Total 41

Excused: None.

Total 0

Absent or not voting: Hoven.

Total 1

HB 464 - Representative Blasdel moved **HB 464** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Kary, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.

Total 53

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Burnett, Court, Driscoll, Edmunds, Furey, Hands, Hill, Hiner, Hollenbaugh, Howard, Hunter, Ingraham, Kennedy, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Wagner, Williams, Wilmer, Yates.

Total 46

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

HB 275 - Representative Reichner moved **HB 275** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, O'Hara, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.

Total 53

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Cuffe, Driscoll, Edmunds, Evans, Furey, Hale, Hands, Harris, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer, Yates.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 420 - Representative Malek moved **HB 420** do pass. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Cook, Court, Driscoll, Evans, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 47

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

HB 421 - Representative Malek moved **HB 421** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kennedy, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Randall, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 68

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Connell, Cook, Edmunds, Fitzpatrick, Hale, Harris, Hendrick, Hollandsworth, Howard, Kary, Kerns, Knox, Knudsen, Lavin, McGillvray, McNiven, Miller, More, Osmundson, Peterson, Read, Regier, Reichner, Rosendale, Skees, C. Smith, Wagner, Washburn.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 496 - Representative Menahan moved **HB 496** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 68

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Cuffe, Edmunds, Flynn, Hale, Harris, Hendrick, Hollandsworth, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, Miller, O'Neil, Osmundson, Randall, Regier, Rosendale, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

HB 438 - Representative McGillvray moved **HB 438** do pass. Motion **failed** as follows:

Yeas: Arntzen, G. Bennett, Blasdel, Blyton, Burnett, Connell, Edmunds, Evans, Fitzpatrick, Greef, Hansen, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Loney, McGillvray, McNiven, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.
Total 40

Nays: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Flynn, Furey, Gibson, Hale, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.
Total 60

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 304 - Representative Hendrick moved **HB 304** do pass. Motion **failed** as follows:

Yeas: B. Beck, G. Bennett, Berry, Blasdel, Cuffe, Edmunds, Hale, Harris, Hendrick, Howard, Kennedy, Kerns, Lavin, McGillvray, Mehlhoff, More, O'Hara, O'Neil, Read, Regier, Skattum, Skees, Wagner, Warburton.
Total 24

Nays: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Menahan, Miller, Noonan, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 76

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Randall moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Harris, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

Nays: B. Bennett, Boland, Hands, Hansen, Hendrick, Hill, Hollenbaugh, McGillvray, Sands, Sesso, Squires, Swanson.

Total 12

Excused: Hiner.

Total 1

Absent or not voting: Arntzen, Reichner.

Total 2

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman): 2/18/2011

HB 525, do pass. Report adopted.

HUMAN SERVICES (Howard, Chairman): 2/18/2011

HB 573, do pass. Report adopted.

MOTIONS

Representative Wagner moved to reconsider action taken on **HB 227** during Second Reading the previous day.

Motion **failed** as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Clark, Connell, Cuffe, Edmunds, Flynn, Greef, Hale, Hansen, Harris, Howard, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier,

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn.
Total 41

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Burnett, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 57

Excused: Hiner.
Total 1

Absent or not voting: Reichner.
Total 1

Representative McNiven moved that **HB 508** be taken from the Local Government Committee and placed on Second Reading on February 21st, 2011.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knox, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Taylor, Warburton, Williams, Wilmer, Yates.
Total 68

Nays: Blasdel, Blyton, Burnett, Clark, Court, Esp, Hale, Hansen, Ingraham, Kennedy, Kerns, Lavin, Loney, McGillvray, More, O'Neil, Randall, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Washburn, Mr. Speaker.
Total 28

Excused: Hiner.
Total 1

Absent or not voting: Reichner, Small, Welborn.
Total 3

Representative Howard moved **HB 274** be moved from the Committee of the Whole back to the Judiciary committee for the purpose of correcting an amendment. Motion carried.

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2011

Representative Miller moved that **HB 242** be taken from the Local Government Committee and placed on Second Reading on February 22nd, 2011.

Motion **failed** as follows:

Yeas: Arntzen, Bangerter, B. Beck, Blasdel, Blyton, Burnett, Clark, Edmunds, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Kennedy, Lavin, McGillvray, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Salomon, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Welborn.

Total 35

Nays: Ankney, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Furey, Gibson, Greef, Hands, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Swanson, Washburn, Williams, Wilmer, Mr. Speaker.

Total 61

Excused: Hiner.

Total 1

Absent or not voting: Reichner, Small, Yates.

Total 3

Representative McGillvray moved **HB 321** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 11:00 a.m., Monday, February 21, 2011. Motion carried.

House adjourned at 1:19 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FORTY-SECOND LEGISLATIVE DAY**

Helena, Montana
February 21, 2011

House Chambers
State Capitol

House convened at 10:56 a.m. Mr. Speaker in the Chair. Invocation by Representative Yates. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Hiner, excused. Quorum present.

BILLS (O'Hara, Chairman): 2/21/2011

Correctly printed: **HB 50, HB 382, HB 425, HB 446, HB 516, HB 544, HB 548, HB 555, HB 584, HJR 14.**

Correctly engrossed: **HB 274, HB 381, HB 433, HB 434, HB 479, HB 530, HB 583, HB 594, HJR 19.**

Representative Smith introduced the pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman): 2/21/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 12:00 p.m., Saturday, February 19, 2011:

TITLE

NAME

Pages:

Tyler Baker, Browning
Hannah Kuchinsky, Manhattan
Caroline Stiff, Billings
Hannah Feltis, Issaquah WA
Karly Schmitt, Spokane WA
Sierra Golberg, Red Lodge
Anna Kaercher, Havre
Cheyenne Schultz, Boulder

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, March 21, 2011:

TITLE

NAME

Pages:

Teslie Weisner, Augusta
Ann Updike, Townsend
Aaron Folsom, Helena
Caleb Metroka, Helena

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Clare Menahan, Helena
Colin Gillard, Eureka
Geoffrey Gorham, Shepherd
Logan Van Fleet, Kalispell

Report Adopted.

Representative Sesso moved that the House Democrats Caucus.
Representative McGillvray moved that the House Republicans Caucus.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman): 2/18/2011
HB 555, do pass. Report adopted.

JUDICIARY (Peterson, Chairman): 2/19/2011
HB 274, introduced bill, be amended as follows:

1. Page 1, line 13.

Strike: "8"

Insert: "7"

2. Page 1, line 17.

Strike: "labor and industry"

Insert: "justice"

Strike: "2-15-1701"

Insert: "2-15-2001"

3. Page 2, line 3.

Strike: "7"

Insert: "6"

4. Page 2, line 14.

Strike: "8"

Insert: "7"

5. Page 2, line 28 through line 30.

Strike: "and" on line 28 through "hearing" on line 28

6. Page 3, line 4 through line 6.

Strike: subsection (4) in its entirety

Renumber: subsequent subsection

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

7. Page 3, line 7.

Strike: "a hearing"

Insert: "an investigation"

Following: "that"

Insert: "there is evidence provided under the employment authorization program that"

8. Page 3, line 14.

Strike: "judicial"

Strike: "a finding after hearing"

Insert: "evidence provided from the employment authorization program"

6. page 3, line 15.

Following: "shall"

Insert: "issue a cease and desist"

Following: "order"

Insert: "requiring"

7. Page 3, line 24.

Following: "section"

Insert: "and fails to request a hearing as provided in subsection (5)"

9. Page 3, line 26.

Strike: "(5)"

Insert: "(6)"

10. Page 4.

Following: line 9

Insert: "(5) After receiving a cease and desist order from the department pursuant to subsection (1), an employer may, within 10 days after receiving the order, request that the department conduct a hearing to confirm the facts determined by the department after its investigation pursuant to [section 3]. If an employer requests a hearing, any order previously issued by the department is stayed pending the results of the hearing. The contested case procedures provided in Title 2, chapter 4, part 6, apply to a hearing held by the department."

Renumber: subsequent subsections

11. Page 4, line 10.

Strike: "a finding after hearing"

Insert: "determining that there is evidence"

12. Page 4, line 11.

Following: "shall"

Insert: ", after providing an opportunity for a hearing as provided in subsection (5),"

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

13. Page 4.

Following: line 21

Insert: "(8) In order to implement this section, the secretary of state shall develop and use a card file or other manual system to track and act upon licenses subject to this section."

14. Page 4, line 24.

Strike: "8"

Insert: "7"

15. Page 4, line 25.

Strike: "8"

Insert: "7"

16. Page 4, lines 28 and 29.

Strike: section 6 in its entirety

Renumber: subsequent sections

17. Page 5, line 4.

Strike: "8"

Insert: "7"

18. Page 5, line 6.

Strike: "4(5)"

Insert: "4(6)"

19. Page 5, line 9.

Strike: "8"

Insert: "7"

20. Page 5, line 16.

Strike: "8"

Insert: "7"

21. Page 5, line 17.

Strike: "8"

Insert: "7"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Hendrick, Chairman):

HB 433, introduced bill, be amended as follows:

2/18/2011

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

1. Title, line 6.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 6, line 25.

Following: line 24

Insert: "NEW SECTION. **Section 4. Termination.** [This act] terminates July 1, 2013."

And, as amended, do pass. Report adopted.

HB 434, introduced bill, be amended as follows:

1. Page 2, line 24.

Strike: "or a letter of notification"

Following: "or"

Insert: "an order or a letter of notification issued under"

2. Page 3, line 2.

Following: "in compliance with the order"

Insert: "or letter"

3. Page 3, line 24.

Following: "decision."

Insert: "If the objecting party and the department cannot agree as to what portion of the administrative record should be transmitted to the court for review, the objecting party shall pay for the cost of transmitting that portion of the record that the objecting party wishes the court to review."

And, as amended, do pass. Report adopted.

HB 479, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

Strike: "CLARIFYING" on line 4 through "MINING;" on line 5

2. Title, line 6.

Following: "AUTHORITY"

Strike: "; AMENDING" through "MCA"

Insert: "TO REGULATE AS INJECTION WELLS INJECTIONS TO RESTORE OR ENHANCE THE MICROBIAL CONVERSION OF HYDROCARBON SUBSTRATES TO METHANE GAS"

3. Page 1, line 11 through page 8, line 19.

Strike: everything after the enacting clause

Insert: "NEW SECTION. **Section 1. Rulemaking -- microbial conversion wells.** The board may adopt rules necessary to regulate well injections to restore or enhance the microbial

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

conversion of hydrocarbon substrates to methane gas as class II injection wells."

Insert: "NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 82, chapter 11, part 1, and the provisions of Title 82, chapter 11, part 1, apply to [section 1]."

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):
HB 530, introduced bill, be amended as follows:

2/21/2011

1. Page 2, line 16.

Strike: "3"

Insert: "1"

Strike: "days"

Insert: "day"

Strike: "shall"

Insert: "may, in the presence of a poll watcher,"

And, as amended, do pass. Report adopted.

HJR 19, do pass. Report adopted.

TRANSPORTATION (Vance, Chairman):
HB 584, do pass. Report adopted.
HB 594, introduced bill, be amended as follows:

2/21/2011

1. Page 1, line 26.

Following: "cullet"

Insert: ", reclaimed asphalt and concrete,"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/19/2011

SB 111, introduced by Sonju
SB 114, introduced by Hinkle
SB 198, introduced by Balyeat
SB 225, introduced by Priest
SB 227, introduced by Priest
SB 258, introduced by Buttrey

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

SB 269, introduced by Buttrey
SB 271, introduced by Gallus
SB 275, introduced by Zinke
SB 285, introduced by Olson
SB 307, introduced by Tutvedt

Senate joint resolution passed and transmitted to the House for concurrence: 2/19/2011

SJR 10, introduced by Priest

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 161 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 62

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hale, Hands, Hill, Hollenbaugh, Hunter, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 37

Excused: Hiner.
Total 1

Absent or not voting: None.
Total 0

HB 346 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Esp, Hale, Kerns.

Total 3

Excused: Hiner.

Total 1

Absent or not voting: Connell.

Total 1

HB 471 passed as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Esp, Evans, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 54

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Burnett, Court, Driscoll, Ehli, Fitzpatrick, Flynn, Furey, Greef, Hands, Hill, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 45

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 480 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Fitzpatrick, Hale, Miller, More, Wagner.

Total 5

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 275 passed as follows:

Yeas: Arntzen, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, O'Hara, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 50

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Court, Cuffe, Driscoll, Edmunds, Evans, Furey, Hands, Harris, Hill, Hollenbaugh, Hunter, Kennedy, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 49

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 338 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 341 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Noonan, O'Neil.

Total 2

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 342 passed as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: Ankney, Belcourt, Pease-Lopez.
Total 3

Excused: Hiner.
Total 1

Absent or not voting: None.
Total 0

HB 366 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 35

Excused: Hiner.
Total 1

Absent or not voting: None.
Total 0

HB 399 passed as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Ankney.

Total 1

Excused: Hiner.

Total 1

Absent or not voting: Harris.

Total 1

HB 408 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer, Yates.

Total 31

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 416 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, O'Hara, O'Neil, Osmundson, Randall,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.
Total 60

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Harris, Hill, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, MacDonald, Malek, McClafferty, McNally, Menahan, More, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer, Yates.
Total 39

Excused: Hiner.
Total 1

Absent or not voting: None.
Total 0

HB 421 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Cook, Court, Driscoll, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Read, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 65

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Connell, Cuffe, Edmunds, Fitzpatrick, Hale, Harris, Hendrick, Hollandsworth, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, Osmundson, Peterson, Randall, Regier, Reichner, Rosendale, Skees, C. Smith, Wagner.
Total 33

Excused: Hiner.
Total 1

Absent or not voting: Washburn.
Total 1

HB 426 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 448 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 464 passed as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, O'Hara, O'Neil, Osmundson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.

Total 55

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Burnett, Court, Driscoll, Edmunds, Furey, Hale, Hands, Hill, Hollenbaugh, Hunter, Ingraham, Kennedy, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Swanson, Wagner, Williams, Wilmer, Yates.

Total 44

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 496 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Court, Driscoll, Ehli, Evans, Furey, Greef, Hands, Hansen, Hill, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Stahl, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 56

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Esp, Fitzpatrick, Flynn, Gibson, Hale, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, Mehlhoff, Miller, O'Neil, Osmundson, Randall, Read, Regier, Rosendale, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn.

Total 43

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 498 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 523 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 90

Nays: G. Bennett, Blasdel, Hale, Kennedy, Kerns, Knox, Skattum, Skees, Wagner.

Total 9

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative MacLaren in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 432 - Representative Berry moved **HB 432** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Edmunds.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 228 - Representative Rosendale moved **HB 228** do pass. Motion **failed** as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Edmunds, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hoven, Kary, Kennedy, Kerns, Knox, Lavin, McGillvray, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 45

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Hands, Hill, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Klock, Knudsen, Loney, MacDonald, MacLaren,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 535 - Representative Knudsen moved **HB 535** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 363 - Representative Cuffe moved **HB 363** do pass.

HB 363 - Representative Connell moved **HB 363**, second reading copy, be amended as follows:

1. Page 6, line 22.

Strike: "shall"

Insert: "may"

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

2. Page 6, line 25.

Strike: the first "¹"

Following: "and"

Insert: "and"

Following: "cooperate"

Strike: "¹"

Following: "and"

Insert: "may"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: Esp, Hale, Harris, Kennedy, Kerns, Knudsen, Randall, Vance.

Total 8

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

HB 363 - Representative Cuffe moved **HB 363**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 69

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 30

Excused: None.
Total 0

Absent or not voting: Hendrick.
Total 1

HB 271 - Representative Kerns moved **HB 271** do pass. Motion carried as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, Mehlhoff, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 55

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Esp, Fitzpatrick, Furey, Hands, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 45

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman MacLaren moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Skattum, Skees, Small, C. Smith, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 79

Nays: B. Bennett, Boland, Court, Hands, MacDonald, McClafferty, McNally, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires.
Total 15

Excused: Hiner.
Total 1

Absent or not voting: Edmunds, Malek, Pease-Lopez, Sesso, Stahl.
Total 5

Sgt-at-Arms Bean announced that President Lincoln awaits entrance to the chamber. Speaker Milburn requested that Sgt-at-Arms Bean admit President Lincoln into the House chamber. Speaker Milburn introduced President Lincoln. President Lincoln addressed the House of Representatives. President Lincoln is portrayed by Professor Harry Fritz.

Roll Call. All members present, except Representative Hiner, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HJR 19**
Motion carried.

HJR 19 (Furey Chief Sponsor)
Representative Connell.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative MacLaren in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 456 - Representative C. Smith moved **HB 456** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 71

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 344 - Representative Gibson moved **HB 344** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Cuffe, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 166 - Representative Esp moved **HB 166** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 497 - Representative Clark moved **HB 497** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 81

Nays: Belcourt, B. Bennett, Boland, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, McNiven, Pease-Lopez, Price, Sands, Schmidt, Swanson, Wilmer.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 536 - Representative Flynn moved **HB 536** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Sands.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 541 - Representative Welborn moved **HB 541** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 75

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 566 - Representative Yates moved **HB 566** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 475 - Representative Connell moved **HB 475** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

Nays: Hale, Harris, Hoven, Kerns, Knox, Miller, O'Neil, Osmundson, Randall, Small, C. Smith, Stahl, Wagner, Warburton.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 508 - Representative McNally moved **HB 508** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Hollandsworth, Hollenbaugh, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Regier, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 58

Nays: G. Bennett, Blasdel, Blyton, Burnett, Clark, Edmunds, Esp, Evans, Flynn, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Mr. Speaker.

Total 41

Excused: None.

Total 0

Absent or not voting: Barrett.

Total 1

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman MacLaren moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sesso, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

Nays: B. Bennett, Boland, Hendrick, Hill, Price, Sands, Schmidt, Skattum, F. Smith.

Total 9

Excused: Hiner.

Total 1

Absent or not voting: Harris, Malek, McNally.

Total 3

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

REPORTS OF STANDING COMMITTEES

JUDICIARY (Peterson, Chairman):

2/21/2011

HB 50, do pass. Report adopted.

HB 381, introduced bill, be amended as follows:

1. Page 1, line 10.

Strike: "who purposely or knowingly enforces"

Insert: "may not enforce"

2. Page 1, line 11 through line 13.

Strike: ", is guilty" on line 11 through "or both" on line 13

And, as amended, do pass. Report adopted.

HB 382, do pass. Report adopted.

HB 425, do pass. Report adopted.

HB 446, do pass. Report adopted.

HB 516, do pass. Report adopted.

HB 544, do pass. Report adopted.

HB 548, do pass. Report adopted.

HB 583, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "AND"

2. Title, page 1, line 9.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 19.

Strike: "existing land"

Insert: "highest and best"

4. Page 4, line 14.

Following: "pursuant"

Insert: "to"

5. Page 4, line 15.

Strike: "access"

Insert: "withdraw"

6. Page 5, line 23 through line 24.

Strike: "claimed" on line 23 through "amount" on line 24

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

7. Page 5, line 25.

Following: "jury"

Strike: ", "

Following: "or"

Strike: "the" through "70-30-207(1)(b)"

Insert: "an amount equal to an additional 25% of the condemnor's appraised fair market value of the property sought to be taken"

8. Page 6, line 5.

Strike: "70-30-207(1)(b)"

Insert: "subsection (1)(a)"

9. Page 6, line 6.

Following: "condition"

Insert: "subsequent"

10. Page 6, line 8.

Strike: "is"

Insert: "must be"

11. Page 6, line 12.

Following: "court"

Insert: "pursuant to 70-30-207(1)(b)"

12. Page 6, line 21.

Strike: "the amount"

Insert: "a deposit"

13. Page 6, line 22.

Strike: "deposited with the court"

Strike: "subsection (1)(a)"

Insert: "70-30-207(1)(b) and subsections (1)(a) and (2)(b) of this section"

14. Page 6, line 26.

Strike: "subsection (1)(a)"

Insert: "subsections (1)(a) and (2)(b), if applicable,"

16. Page 7.

Following: line 19

Insert: "NEW SECTION. **Section 10. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

HJR 14, do pass. Report adopted.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative MacLaren in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 380 - Representative Blasdel moved **HB 380** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Menahan.

Total 1

HB 430 - Representative Loney moved **HB 430** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 459 - Representative Blasdel moved **HB 459** do pass. Motion **failed** as follows:

Yeas: Ankney, Arntzen, B. Beck, Blasdel, Connell, Cuffe, Esp, Fitzpatrick, Greef, Hendrick, Hollandsworth, Hoven, Klock, Lavin, MacLaren, McGillvray, Miller, More, Noonan, O'Hara, Randall, Regier, Reichner, Roberts, Salomon, Sesso, Skees, Small, Stahl, Taylor, Vance, Warburton, Washburn.
Total 33

Nays: Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Flynn, Furey, Gibson, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Rosendale, Sands, Schmidt, Skattum, C. Smith, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 67

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 494 - Representative Edmunds moved consideration of **HB 494** be passed for the day. Motion carried.

HB 522 - Representative Kary moved **HB 522** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 538 - Representative K. Peterson moved **HB 538** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: McGillvray, Taylor.

Total 2

Excused: None.

Total 0

Absent or not voting: Miller.

Total 1

HB 554 - Representative Randall moved **HB 554** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Hollandsworth, Howard, Ingraham, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 59

Nays: Barrett, B. Beck, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Ehli, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kary, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 575 - Representative Hansen moved **HB 575** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Hale.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 377 - Representative Warburton moved **HB 377** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn,

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 78

Nays: Belcourt, Boland, Court, Driscoll, Evans, Furey, Hands, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, Squires, Swanson, Williams.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 531 - Representative Fitzpatrick moved **HB 531** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 61

Nays: Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Court, Cuffe, Driscoll, Furey, Hands, Harris, Hill, Hiner, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman MacLaren moved the Committee of the Whole report be adopted. Report adopted as follows:

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

Nays: Belcourt, B. Bennett, Boland, Hill, Malek, McNally, Noonan, Pease-Lopez, Price, Schmidt, Sesso, F. Smith, Squires.

Total 13

Excused: Hiner.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Representative McGillvray moved **HB 363** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 475** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 554** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 377** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 595** be moved from the Appropriations committee to the Taxation committee.

HOUSE JOURNAL
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Tuesday, February 22, 2011. Motion carried.

House adjourned at 4:15 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FORTY-THIRD LEGISLATIVE DAY**

Helena, Montana
February 22, 2011

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative G. Bennett. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Hendrick and Phillips, excused. Quorum present.

BILLS (O'Hara, Chairman):

3/22/2011

Correctly printed: **HB 552, HB 555, HB 565, HB 582, HJR 20.**

Correctly engrossed: **HB 534.**

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 271 passed as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, Mehlhoff, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 54

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Esp, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 41

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: Ankney, O'Hara, Welborn.

Total 3

HB 432 passed as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Edmunds.

Total 1

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: Ankney, O'Hara.

Total 2

HB 535 passed as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Squires.

Total 1

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: Ankney, O'Hara.

Total 2

HB 166 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: O'Hara.

Total 1

HB 344 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hollandsworth, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 62

Nays: Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Cuffe, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Price, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 35

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: O'Hara.

Total 1

HB 456 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: O'Hara.

Total 1

HB 497 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 80

Nays: Belcourt, B. Bennett, Boland, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hollenbaugh, MacDonald, Malek, McNiven, Noonan, Pease-Lopez, Price, Sands, Schmidt, Swanson.

Total 18

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: None.

Total 0

HB 508 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Price, Regier, Reichner, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 61

Nays: G. Bennett, Blasdel, Blyton, Burnett, Clark, Edmunds, Esp, Evans, Flynn, Hale, Hansen, Harris, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Vance, Wagner.

Total 37

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: None.

Total 0

HB 536 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: None.

Total 0

HB 541 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 73

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 25

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: None.

Total 0

HB 566 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: None.

Total 0

HB 380 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: None.

Total 0

HB 430 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: None.

Total 0

HB 522 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: None.

Total 0

HB 531 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Yates, Mr. Speaker.

Total 60

Nays: Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Court, Cuffe, Driscoll, Furey, Hands, Harris, Hill, Hiner, Hunter, Kennedy, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Peterson, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer.

Total 38

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: None.

Total 0

HB 538 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: McGillvray.

Total 1

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: None.

Total 0

HB 575 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hunter in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 391 - Representative Berry moved **HB 391** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: Miller.

Total 1

HB 403 - Representative MacLaren moved **HB 403** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Nays: Belcourt, Blasdel, Burnett, Hale, Hunter, Kennedy, Kerns, Knox, McGillvray, Miller, More, Salomon, Skattum, Wagner.

Total 14

Excused: None.

Total 0

Absent or not voting: Mehlhoff.

Total 1

HB 431 - Representative Regier moved **HB 431** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 64

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Harris, Hill, Hiner, Hollenbaugh, Hunter, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 35

Excused: None.

Total 0

Absent or not voting: Rosendale.

Total 1

HB 484 - Representative Squires moved **HB 484** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Nays: Fitzpatrick, Hale, Howard, Kerns, Knox, Miller, Randall, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: Ankney.

Total 1

HB 489 - Representative O'Neil moved **HB 489** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 491 - Representative Cuffe moved **HB 491** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Nays: Burnett, Kennedy, Kerns.

Total 3

Excused: None.

Total 0

Absent or not voting: G. Bennett.

Total 1

HB 528 - Representative F. Smith moved **HB 528** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Kary, Kennedy, Kerns, More, Wagner.

Total 5

Excused: None.

Total 0

Absent or not voting: Mehlhoff.

Total 1

HB 574 - Representative McGillvray moved consideration of **HB 574** be passed for the day. Motion carried.

HB 542 - Representative Esp moved **HB 542** do pass.

HB 542 - Representative Esp moved **HB 542**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

Following: "BY"

Strike: "A"

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

2. Title, page 1, line 7.

Following: "PEER-REVIEWED"

Strike: "REPORT"

Insert: "INFORMATION"

3. Title, page 1, line 13 through line 14.

Following: "INFORMATION;"

Strike: "REQUIRING " on line 13 through "COURT;" on line 14

4. Title, line 15.

Following: "76-3-608,"

Insert: "AND"

Following: "76-3-615,"

Strike: "AND 76-3-625,"

Strike: "AN IMMEDIATE EFFECTIVE DATE AND"

5. Page 1, line 23.

Following: "meeting"

Strike: "for application submittal"

Insert: "to submit an application"

6. Page 1, line 25.

Following: "for"

Insert: "submittal of the"

7. Page 1, line 26.

Following: line 25

Strike: "submittal"

8. Page 1, line 27.

Following: "for"

Strike: "application"

Following: "submittal"

Insert: "of the application"

9. Page 1, line 30.

Following: "for"

Strike: "application"

Following: "submittal"

Insert: "of the application"

10. Page 5, line 18.

Following: "provide"

Strike: "a"

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Following: "peer-reviewed"

Strike: "report"

Insert: "information"

11. Page 5, line 23.

Following: "application"

Strike: "is pending or"

12. Page 6, line 24.

Strike: section 4 in its entirety

Renumber: subsequent sections

13. Page 7, line 25.

Strike: section 6 in its entirety

Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 76

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, MacDonald, McClafferty, McNally, Menahan, Noonan, Peterson, Price, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 22

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: None.

Total 0

HB 542 - Representative Esp moved **HB 542**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton,
Washburn, Welborn, Mr. Speaker.
Total 54

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Connell, Court, Driscoll,
Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, MacDonald,
MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Miller,
Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F.
Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 46

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 543 - Representative Fitzpatrick moved **HB 543** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,
Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll,
Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen,
Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham,
Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek,
McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller,
More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall,
Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,
Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner,
Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 545 - Representative Read moved **HB 545** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blyton,
Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick,
Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 82

Nays: Belcourt, Blasdel, Burnett, Edmunds, Flynn, Kerns, Knox, Knudsen, McGillvray, McNutt, More, Pease-Lopez, Randall, Skattum, C. Smith, Squires, Vance, Wagner.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 557 - Representative O'Neil moved **HB 557** do pass. Motion **failed** as follows:

Representative Malek rose on a point of personal privilege to state her displeasure about statements made that she believed implied that some individuals were more ethical than others.

Motion **failed** as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McNiven, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Yates.

Total 49

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Burnett, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Howard, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Welborn, Williams, Wilmer, Mr. Speaker.

Total 51

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

HB 483 - Representative Howard moved **HB 483** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.
Total 72

Nays: Belcourt, B. Bennett, Boland, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 19 - Representative Furey moved **HJR 19** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hunter moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

Nays: B. Bennett, Boland, Hill, Malek, McNally, Pease-Lopez, Reinhart, Sands, Schmidt, F. Smith, Squires.

Total 11

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: Connell, Salomon.

Total 2

House Recessed.

House Reconvened.

REPORTS OF STANDING COMMITTEES

HUMAN SERVICES (Howard, Chairman):

2/21/2011

HB 565, do pass. Report adopted.

HJR 20, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/21/2011

SB 183, introduced by Brown

SB 191, introduced by Erickson

SB 206, introduced by Jones

SB 228, introduced by Priest

SB 234, introduced by Sonju

SB 236, introduced by Buttrey

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

SB 272, introduced by Murphy
SB 279, introduced by Jackson
SB 311, introduced by Gallus
SB 335, introduced by Shockley

Senate joint resolution passed and transmitted to the House for concurrence: 2/21/2011

SJR 4, introduced by Wittich

House Recessed.
House Reconvened.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hunter in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 291 - Representative Sesso moved **HB 291** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Flynn, Furey, Greef, Hale, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kerns, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Williams, Wilmer, Yates, Mr. Speaker.
Total 59

Nays: Ankney, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Esp, Fitzpatrick, Gibson, Hansen, Harris, Hendrick, Howard, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, Miller, O'Hara, Osmundson, Randall, Read, Regier, Roberts, Rosendale, Skattum, Skees, C. Smith, Taylor, Washburn, Welborn.
Total 41

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 457 - Representative Noonan moved **HB 457** do pass.

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

HB 457 - Representative Noonan moved **HB 457**, second reading copy, be amended as follows:

1. Title, line 8.

Following: "WOMAN"

Strike: "OR HER UNBORN CHILD"

2. Title, line 9.

Following: "WOMAN"

Strike: "OR HER UNBORN CHILD"

3. Page 1, line 13 through line 14.

Following: "woman" on line 13

Strike: "OR" on line 13 through "CHILD" on line 14

4. Page 1, line 15.

Strike: "OR HER UNBORN CHILD"

5. Page 1, line 22.

Strike: "OR HER UNBORN CHILD"

6. Page 1, line 23.

Strike: "OR HER UNBORN CHILD"

7. Page 1, line 24.

Strike: "OR HER UNBORN CHILD"

8. Page 1, line 26.

Strike: "OR HER UNBORN CHILD"

Amendment **not** adopted as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 39

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, More, O'Hara, O'Neil, Osmundson, Peterson, Randall,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 59

Excused: Hendrick, Phillips.
Total 2

Absent or not voting: None.
Total 0

HB 457 - Representative Noonan moved **HB 457** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.
Total 86

Nays: Belcourt, B. Bennett, Boland, Court, Esp, Hale, Hill, Hollenbaugh, Malek, McNally, Pease-Lopez, Price, Sesso, Williams.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 487 - Representative Clark moved **HB 487** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner,
Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Squires.
Total 1

HB 525 - Representative McNiven moved **HB 525** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl,
Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson,
Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary,
Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McNally, McNiven, McNutt,
Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts,
Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner,
Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner,
Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, Mehlhoff, Menahan,
Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires,
Swanson, Williams, Wilmer.
Total 31

Excused: None.
Total 0

Absent or not voting: McGillvray.
Total 1

Representative McGillvray rose on a point of personal privilege to clarify on comments made earlier by Representative Malek. He stated that he had spoken with the two representatives who had been speaking at the time and they both stated they did not feel that either had said

anything implying that they were more ethical than the other. He encouraged members to check with the offended party before rising on their behalf.

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Representative Malek rose on a point of personal privilege to clarify that she didn't care whether the other representative wanted someone to rise on their behalf. She simply wanted members to stop implying that they were more ethical than one another. She wished to encourage members to refrain from attacking one another's character.

Representative McGillvray rose on a point of personal privilege to state that because the comments were deemed as not implying the other was unethical, and that no complaints were made by the members involved, the comment by Representative Malek was not needed.

Representative Sesso rose on a point of personal privilege. He stated that when a member feels they were being affronted they do have the right to rise, and that the members did not need to comment on people's integrity in the body.

HB 547 - Representative K. Peterson moved **HB 547** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.
Total 97

Nays: C. Smith, Vance.
Total 2

Excused: None.
Total 0

Absent or not voting: Mr. Speaker.
Total 1

HB 550 - Representative Read moved **HB 550** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton,
Washburn, Welborn, Yates, Mr. Speaker.
Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill,
Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff,
Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith,
Squires, Swanson, Williams, Wilmer.
Total 33

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 563 - Representative Arntzen moved **HB 563** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton,
Brodehl, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn,
Greef, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns,
Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven,
McNutt, Miller, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier,
Reichner, Roberts, Rosendale, Salomon, Small, C. Smith, Stahl, Taylor, Vance, Wagner,
Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 66

Nays: Barrett, B. Bennett, Boland, Burnett, Court, Furey, Gibson, Hale, Hands, Hill, Hiner,
Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McNally, Mehlhoff, Menahan, More,
Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith,
Squires, Swanson, Williams, Wilmer.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 593 - Representative Ankney moved **HB 593** do pass.

HB 593 - Representative Driscoll moved **HB 593**, second reading copy, be amended as follows:

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

1. Title, page 1, line 7.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 1, line 11.

Strike: "2011"

Insert: "2012"

3. Page 2.

Following: line 30

Insert: "NEW SECTION. **Section 6. Applicability.** [Section 2] applies to rules adopted on or after [the effective date of this act]."

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McGillvray, McNiven, Miller, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: More.

Total 1

HB 593 - Representative Ankney moved **HB 593** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 80

Nays: Barrett, B. Bennett, Court, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, F. Smith, Williams.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 17 - Representative Stahl moved **HJR 17** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: G. Bennett, Burnett, Cook, Esp, Gibson, Hale, Kerns, Knox, O'Neil, Roberts, Skattum, Wagner.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 188 - Representative Loney moved **HB 188** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, Blasdel, Boland, Brodehl, Clark, Connell, Court, Cuffe, Ehli, Evans, Fitzpatrick, Greef, Hansen, Harris, Hiner, Hollandsworth, Howard, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, Mehlhoff, Menahan, O'Hara, Osmundson, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Small, Taylor, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 53

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Nays: Barrett, B. Bennett, G. Bennett, Berry, Blyton, Burnett, Cook, Driscoll, Edmunds, Esp, Flynn, Furey, Gibson, Hale, Hands, Hendrick, Hill, Hollenbaugh, Hoven, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Malek, McNiven, McNutt, Miller, More, Noonan, O'Neil, Pease-Lopez, Randall, Read, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Swanson, Vance, Wagner, Warburton, Welborn.

Total 46

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 405 - Representative Taylor moved **HB 405** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 481 - Representative Belcourt moved **HB 481** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

Nays: Edmunds, Hale, Kennedy, Kerns, Knox, Osmundson, Randall, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hunter moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Harris, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 79

Nays: B. Bennett, Boland, Hands, Hansen, Hill, Malek, McClafferty, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Swanson.
Total 16

Excused: Hendrick, Phillips.
Total 2

Absent or not voting: Connell, McChesney, Small.
Total 3

House Recessed.
House Reconvened.

Roll Call. All members present, except Representatives Hendrick and Phillips, excused. Quorum present.

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

REPORTS OF STANDING COMMITTEES

EDUCATION (Reichner, Chairman): 2/18/2011
HB 582, do pass. Report adopted.

JUDICIARY (Peterson, Chairman): 2/21/2011
HB 534, introduced bill, be amended as follows:

1. Title, line 4.

Following: "ALIENS"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 1, line 11 through line 12.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

3. Page 1, line 13.

Strike: "may"

Insert: "shall"

Strike: "only"

4. Page 1, line 14.

Following: "program"

Insert: "or the e-verify program, or both,"

5. Page 1.

Following: line 15

Insert: "(3) A state agency shall notify appropriate personnel in immigration and customs enforcement under the United States department of homeland security or its successor of any illegal alien applying for a state service."

Renumber: subsequent subsections

6. Page 1, line 24.

Following: "(ii)"

Strike: "admission" through "20-5-101"

Insert: "state support of secondary education pursuant to Title 20, chapter 9"

7. Page 2, line 13 through line 14.

Strike: section 2 in its entirety

Renumber: subsequent sections

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

8. Page 2.

Following: line 21

Insert: "NEW SECTION. **Section 4. Applicability.** [This act] applies to the provision of a state service, as defined in [section 1], applied for or intended to be made after October 1, 2011.

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/22/2011

SB 113, introduced by Jent

SB 208, introduced by Erickson

SB 254, introduced by Hutton

SB 289, introduced by Zinke

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 29, introduced by Moss (by request of the Law and Justice Interim Committee), referred to Business and Labor.

SB 57, introduced by Vuckovich (by request of the Department of Justice), referred to Judiciary.

SB 195, introduced by Ripley, Clark, Steinbeisser, referred to Agriculture.

SB 210, introduced by Tutvedt, referred to Human Services.

SB 215, introduced by Gallus, referred to Appropriations.

SB 217, introduced by Murphy, Shockley, referred to Judiciary.

SB 223, introduced by Zinke, referred to Business and Labor.

SB 247, introduced by Moss, referred to State Administration.

SB 248, introduced by Gillan, referred to Local Government.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 9, introduced by Hutton, Hinkle, Arthun, Murphy, Balyeat, Wittich, Zinke, Walker, Moore, Buttrey, referred to Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hunter in the chair.

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 14 - Representative More moved **HJR 14** be adopted. Motion carried as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 53

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Esp, Evans, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 548 - Representative Bangerter moved **HB 548** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Hale.

Total 1

Excused: None.

Total 0

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Absent or not voting: Cook, More.

Total 2

HB 584 - Representative Mehlhoff moved **HB 584** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Ehli, Stahl.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 544 - Representative McGillvray moved consideration of **HB 544** be placed below 559 on agenda four, on the second reading board. Motion carried.

HB 516 - Representative Hansen moved **HB 516** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 60

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Cuffe, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 39

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Excused: None.

Total 0

Absent or not voting: Small.

Total 1

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hunter moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, B. Bennett, Boland, Court, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 28

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: Hunter, Small.

Total 2

House Recessed.

House Reconvened.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hunter in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 444 - Representative Burnett moved **HB 444** do pass. Motion carried as follows:

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Belcourt, Boland, Hiner, Malek, Pease-Lopez, Price, Schmidt, Sesso, F. Smith, Williams.

Total 10

Excused: None.

Total 0

Absent or not voting: Osmundson.

Total 1

HB 469 - Representative Clark moved **HB 469** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Malek.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 517 - Representative McNutt moved **HB 517** do pass. Motion carried as follows:

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 551 - Representative Flynn moved **HB 551** do pass.

HB 551 - Representative Flynn moved **HB 551**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

Following: "PLAN"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

2. Page 1.

Following: line 27

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective January 1, 2013."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: None.

Total 0

HB 551 - Representative Flynn moved **HB 551**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 84

Nays: B. Bennett, Boland, Court, Furey, Hands, Hill, Malek, McClafferty, Noonan, Pease-Lopez, Price, Sands, Schmidt, Sesso, Swanson, Wilmer.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 555 - Representative Fitzpatrick moved **HB 555** do pass. Motion **failed** as follows:

Yeas: Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Connell, Cook, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Hansen, Hendrick, Hoven, Howard, Kary, Kennedy, Klock, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 46

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Nays: Ankney, Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Burnett, Clark, Court, Cuffe, Driscoll, Edmunds, Evans, Furey, Greef, Hale, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Kerns, Knox, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 559 - Representative Esp moved **HB 559** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr.

Speaker.

Total 92

Nays: B. Bennett, Hands, Hill, Malek, McClafferty, Sands, Schmidt, F. Smith.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 544 - Representative More moved **HB 544** do pass.

HB 544 - Representative More moved **HB 544**, second reading copy, be amended as follows:

1. Page 2, line 25.

Strike: "that is significantly associated with"

Insert: "to a legally induced"

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

2. Page 2, line 26.

Following: "(3)"

Insert: "(a)"

Following: "credible"

Insert: ", as applied to risk factors and complications associated with abortion,"

Following: "means information"

Insert: "based on studies"

3. Page 2.

Following: line 27

Insert: " (b) A risk factor or complication is presumptively considered medically credible if it is:

(i) identified in at least one study examining legal abortion that was published in the English language in a peer-reviewed journal indexed by the United States national library of medicine's search services or in any peer-reviewed journal included in an electronic database produced by the American psychological association for abstracts of literature in the field of psychology after 1973 and not less than 12 months before the preabortion screening; and

(ii) statistically validated to the degree that less than a 5% probability exists that the identified statistical association is due to chance."

4. Page 3, line 9.

Strike: "legally induced"

5. Page 3, line 10.

Following: the first "any"

Insert: "risk"

6. Page 3, line 14 through line 19.

Strike: subsection (9) through subsection (10) in their entirety

Renumber: subsequent subsection

7. Page 3, line 23.

Following: "for an"

Insert: "immediate"

8. Page 4, line 12.

Following: "informed of"

Strike: "the following items"

Insert: "each medically credible complication associated with abortion that is associated with the identified risk factor"

9. Page 4, line 14 through line 17.

Strike: ":" on line 14 through "exists" on line 17

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

10. Page 6, line 14 through page 7, line 1.

Strike: subsection (6) through subsection (7) in their entirety

Renumber: subsequent subsection

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: Small.

Total 1

Representative Sesso requested a Fiscal Note for HB 544.

Representative McGillvray requested the House stand at ease.

HB 544 - Representative McGillvray moved consideration of **HB 544** be passed for the day.
Motion carried.

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hunter moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Hands, Hiner, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, More, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams.

Total 24

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: Court, Edmunds, Furey, Hill, Salomon, Wilmer.

Total 6

MOTIONS

Representative Hale moved that **HB 552** be taken from Local Government and brought before the Committee of the Whole.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Harris, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Price, Randall, Read, Regier, Reinhart, Salomon, Sands, Schmidt, Sesso, Skees, C. Smith, F. Smith, Squires, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: Belcourt, Berry, Burnett, Esp, Hansen, Hill, Hollenbaugh, Knox, McNutt, More, O'Neil, Peterson, Reichner, Roberts, Rosendale, Skattum, Small, Stahl, Vance.

Total 19

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: Edmunds, Furey.

Total 2

Representative Fitzpatrick moved to reconsider action taken on **HB 555**.

Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hollandsworth,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 57

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Court, Cuffe, Driscoll, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, Ingraham, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Peterson, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 41

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: None.

Total 0

Representative McGillvray moved **HB 545** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 188** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 444** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 551** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative Price moved that **HB 437** be taken from Human Services and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Connell, Court, Cuffe, Driscoll, Evans, Furey, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Price, Read, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 49

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Howard, Ingraham, Kary, Kennedy, Kerns, Klock,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 49

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: None.

Total 0

Representative Schmidt moved that **HB 136** be taken from Education and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 29

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: Furey.

Total 1

Representative O'Neil moved to reconsider action taken on **HB 557**.

Motion **failed** as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Connell, Cook, Cuffe, Edmunds, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McNutt, Miller, O'Neil, Osmundson,

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Randall, Read, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 45

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Court, Driscoll, Ehli, Fitzpatrick, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 52

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: Furey.

Total 1

Representative McClafferty moved that **HB 514** be taken from Judiciary and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Hale, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 36

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 60

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: Furey, More.

Total 2

Representative Reinhart moved that **HJR 10** be taken from Business and Labor and brought before the Committee of the Whole.

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Motion **failed** as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer.

Total 34

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 63

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: Furey.

Total 1

Representative O'Neil moved that **HB 558** be taken from Education and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Blasdel, Cuffe, Edmunds, Hale, Hoven, Ingraham, Kennedy, Kerns, Knox, Lavin, Miller, More, O'Neil, Peterson, Randall, Regier, Skattum, Skees, C. Smith, Taylor, Wagner, Warburton.

Total 22

Nays: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 75

Excused: Hendrick, Phillips.

Total 2

HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2011

Absent or not voting: Furey.

Total 1

Representative Stahl moved that **HB 592** be taken from Local Government and brought before the Committee of the Whole.

Motion failed as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Wagner, Warburton, Washburn.

Total 51

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Clark, Cook, Court, Driscoll, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Vance, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 46

Excused: Hendrick, Phillips.

Total 2

Absent or not voting: Furey.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Wednesday, February 23, 2011. Motion carried.

House adjourned at 5:15 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FORTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
February 23, 2011

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative McClafferty. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Phillips, excused. Quorum present.

Representative Barrett rose on a point of personal privilege to correct facts he had given during the previous days floor discussion.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 391 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Greef, Hale, Hansen, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 70

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Gibson, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, Mehlhoff, Noonan, Pease-Lopez, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 25

Excused: Phillips.

Total 1

Absent or not voting: Harris, MacLaren, McNally, Reichner.

Total 4

HB 403 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: Hale, Hendrick, Howard, Kennedy, Kerns, Knox, McGillvray, Miller, More, Price, Read, Salomon, Skattum, Skees, Wagner.

Total 15

Excused: Phillips.

Total 1

Absent or not voting: MacLaren.

Total 1

HB 431 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 63

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Harris, Hill, Hiner, Hollenbaugh, Hunter, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 35

Excused: Phillips.

Total 1

Absent or not voting: MacLaren.

Total 1

HB 484 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 90

Nays: Hale, Kerns, Knox, Miller, Skattum, Skees, Wagner, Warburton.

Total 8

Excused: Phillips.

Total 1

Absent or not voting: MacLaren.

Total 1

HB 489 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: Phillips.

Total 1

Absent or not voting: MacLaren.

Total 1

HB 491 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: Kerns.
Total 1

Excused: Phillips.
Total 1

Absent or not voting: MacLaren, Squires.
Total 2

HB 528 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 91

Nays: Burnett, Kary, Kennedy, Kerns, More, Skattum, Wagner.
Total 7

Excused: Phillips.
Total 1

Absent or not voting: MacLaren.
Total 1

HB 483 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Washburn, Welborn, Yates, Mr. Speaker.

Total 69

Nays: Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Miller, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 29

Excused: Phillips.

Total 1

Absent or not voting: MacLaren.

Total 1

HB 542 passed as follows:

Yeas: Ankney, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Greef, Hale, Hansen, Harris, Hendrick, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 55

Nays: Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Cuffe, Driscoll, Flynn, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 43

Excused: Phillips.

Total 1

Absent or not voting: MacLaren.

Total 1

HB 543 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Squires.

Total 1

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

HB 291 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Flynn, Furey, Greef, Hale, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Wagner, Warburton, Williams, Wilmer, Yates, Mr. Speaker.

Total 55

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Esp, Fitzpatrick, Gibson, Hansen, Harris, Hendrick, Hollandsworth, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, Osmundson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Washburn, Welborn.

Total 44

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

HB 405 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 34

Excused: Phillips.
Total 1

Absent or not voting: None.
Total 0

HB 457 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 78

Nays: Barrett, Belcourt, B. Bennett, Court, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Price, Reinhart, Sesso, Small, F. Smith, Swanson, Williams, Wilmer.
Total 21

Excused: Phillips.
Total 1

Absent or not voting: None.
Total 0

HB 469 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Phillips.

Total 1

Absent or not voting: Esp.

Total 1

HB 481 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Edmunds, Hale, Kennedy, Kerns, Knox, More, Osmundson, Randall, Skees, Wagner.

Total 10

Excused: Phillips.

Total 1

Absent or not voting: Stahl.

Total 1

HB 487 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

HB 516 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 62

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Cuffe, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 37

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

HB 517 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

HB 547 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Blasdel, Blyton, Hendrick, Kerns, Knox, Randall, Skattum, Skees, C. Smith, Vance, Wagner.

Total 11

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

HB 548 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Hale.

Total 1

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

HB 550 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

HB 559 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: B. Bennett, Hands, Hill, McClafferty, Sands.

Total 5

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

HB 563 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 62

Nays: Barrett, B. Bennett, Blasdel, Boland, Court, Furey, Hale, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kerns, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, More, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer.

Total 36

Excused: Phillips.

Total 1

Absent or not voting: Cuffe.

Total 1

HB 584 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

HB 593 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 78

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, MacDonald, Malek, McNally, Menahan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Williams, Wilmer.

Total 21

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

HJR 14 adopted as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Hara, O'Neil,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.
Total 54

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.
Total 45

Excused: Phillips.
Total 1

Absent or not voting: None.
Total 0

HJR 17 adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 86

Nays: G. Bennett, Brodehl, Burnett, Cook, Esp, Gibson, Hale, Kerns, Knox, O'Neil, Roberts, Skattum, Wagner.
Total 13

Excused: Phillips.
Total 1

Absent or not voting: None.
Total 0

HB 525 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Knox, Knudsen, Lavin, MacLaren, McGillvray, McNally, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Loney, MacDonald, Malek, McChesney, McClafferty, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

HJR 19 adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

Representative Hands moved that the House Democrats Caucus. Motion carried.

Representative McGillvray moved that the House Republicans Caucus. Motion carried.

House Recessed.

House Reconvened.

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 526 - Representative Edmunds moved **HB 526** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 63

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 37

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 573 - Representative Hunter moved **HB 573** do pass.

HB 573 - Representative Hunter moved **HB 573**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

Following: "COUNCIL;"

Insert: "ESTABLISHING REPORTING REQUIREMENTS;"

2. Page 1, line 29.

Following: "advisory council."

Insert: "(1)"

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

3. Page 1, line 30 through page 2, line 1.

Strike: "and, based" on page 1, line 30 through "regarding" on page 2, line 1

Insert: "to review"

4. Page 2, line 5.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

5. Page 2, line 19.

Insert: "(2) The insurance commissioner shall report by August 1, 2012, to the children, families, health, and human services interim committee on the results of the advisory council's review and any recommendations for action by the 63rd legislature."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: McGillvray, More.

Total 2

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

HB 573 - Representative Hunter moved **HB 573**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Lavin, Loney, MacDonald, MacLaren,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

Nays: G. Bennett, Burnett, Esp, Hale, Hendrick, Kary, Kennedy, Kerns, Knox, Knudsen, More, Randall, Vance, Wagner, Warburton.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 54 - Senate Amendments - Representative Vance moved Senate amendments to **HB 54** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: G. Bennett, Mr. Speaker.

Total 2

HB 89 - Senate Amendments - Representative Ingraham moved Senate amendments to **HB 89** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 274 - Representative Howard moved **HB 274** do pass.

HB 274 - Representative Howard moved **HB 274**, second reading copy, be amended as follows:

1. Page 2, line 10.

Strike: "EIGHT"

Insert: "25"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Peterson, Randall, Read, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 73

Nays: Belcourt, B. Bennett, Boland, Court, Evans, Furey, Hansen, Harris, Hill, MacDonald, Malek, McClafferty, McNally, McNiven, Osmundson, Pease-Lopez, Price, Regier, Reichner, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams.

Total 26

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

HB 274 - Representative Howard moved **HB 274**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Fitzpatrick, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Yates, Mr. Speaker.

Total 52

Nays: Ankney, Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Court, Driscoll, Edmunds, Evans, Flynn, Furey, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kary, Kennedy, Kerns, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, Pease-Lopez, Phillips, Price, Randall, Reinhart, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 334 - Representative Reichner moved **HB 334** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 433 - Representative G. Bennett moved **HB 433** do pass. Motion **failed** as follows:

Yeas: Arntzen, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Ehli, Esp, Fitzpatrick, Greef, Hale, Hansen, Hendrick, Howard, Kary, Kennedy, Lavin, Loney, Miller, More, Noonan, O'Neil, Peterson, Regier, Reichner, Skattum, Skees, C. Smith, Taylor, Vance, Welborn.

Total 32

Nays: Ankney, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Edmunds, Evans, Flynn, Furey, Gibson, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kerns, Klock, Knox, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 67

Excused: None.

Total 0

Absent or not voting: Bangerter.

Total 1

HB 479 - Representative Small moved **HB 479** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 77

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, Menahan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Taylor, Wilmer.

Total 23

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

Nays: B. Bennett, Boland, Hands, Hill, MacDonald, Malek, McClafferty, Pease-Lopez, F. Smith, Squires, Swanson.

Total 11

Excused: Phillips.

Total 1

Absent or not voting: Schmidt.

Total 1

House Recessed.

House Reconvened.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

HB 494 - Representative Edmunds moved **HB 494** do pass.

HB 494 - Representative Kennedy moved **HB 494**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

Following: "IMPROVEMENTS;"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 18.

Following: the first "regulations"

Insert: "or"

Following: "are"

Insert: "not"

3. Page 1, line 19.

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, Malek, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, MacLaren, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Excused: Phillips.

Total 1

Absent or not voting: B. Beck, Kary, Welborn.

Total 3

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

HB 494 - Representative Edmunds moved **HB 494**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 66

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Excused: None.
Total 0

Absent or not voting: B. Beck, McClafferty.
Total 2

HB 50 - Representative K. Peterson moved **HB 50** do pass. Motion **failed** as follows:

Yeas: Bangerter, Barrett, McGillvray, McNiven, Peterson, Read, Regier, Reichner.
Total 8

Nays: Ankney, Arntzen, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

HB 381 - Representative Kerns moved **HB 381** do pass. Motion **failed** as follows:

Yeas: G. Bennett, Blasdel, Blyton, Burnett, Connell, Cuffe, Edmunds, Hale, Hansen, Harris, Hendrick, Hollandsworth, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton.

Total 38

Nays: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 61

Excused: None.

Total 0

Absent or not voting: Greef.

Total 1

Representative Regier rose on a point of parliamentary inquiry about **HB 479**. He requested information in regard to amendments that change the title of the bill, and if this was standard practice.

Representative More rose in response to Representative Regier's question and said it was at the committee's discretion.

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Neil, Osmundson, Pease-Lopez, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Nays: B. Bennett, Court, Hill, McNally, Noonan, Price, Reinhart, Sands, Schmidt.
Total 9

Excused: Phillips.
Total 1

Absent or not voting: Esp, Flynn, O'Hara, Peterson, F. Smith.
Total 5

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 382 - Representative Skees moved **HB 382** do pass. Motion **failed** as follows:

Yeas: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Greef, Hale, Hansen, Harris, Hendrick, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn.
Total 42

Nays: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Cook, Court, Driscoll, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 57

Excused: None.
Total 0

Absent or not voting: Klock.
Total 1

HB 425 - Representative K. Peterson moved **HB 425** do pass. Motion **failed** as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Blyton, Brodehl, Burnett, Clark, Connell, Court, Edmunds, Esp, Evans, Greef, Hansen, Hendrick, Hoven, Ingraham, Kary, Kennedy, Kerns,

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Knox, Loney, MacDonald, McGillvray, More, Osmundson, Peterson, Phillips, Read, Regier, Reichner, Reinhart, Salomon, Skattum, Skees, Squires, Stahl, Warburton, Washburn, Wilmer, Yates, Mr. Speaker.

Total 43

Nays: Ankney, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Boland, Cook, Cuffe, Driscoll, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Hale, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Klock, Knudsen, Lavin, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Price, Randall, Roberts, Rosendale, Sands, Schmidt, Small, C. Smith, F. Smith, Swanson, Taylor, Vance, Wagner, Welborn, Williams.

Total 56

Excused: None.

Total 0

Absent or not voting: Sesso.

Total 1

HB 446 - Representative Hill moved **HB 446** do pass. Motion carried as follows:

Representative O'Neil rose on a point of personal privilege to clarify that he did not mean he was opposed to the state creating jobs. He meant instead that he was opposed to the government building houses.

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Furey, Hands, Hansen, Harris, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 54

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Vance, Washburn.

Total 42

Excused: None.

Total 0

Absent or not voting: Burnett, Cuffe, Read, Wagner.

Total 4

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 94

Nays: McNiven, Regier, F. Smith.
Total 3

Excused: Phillips.
Total 1

Absent or not voting: Connell, Hollenbaugh.
Total 2

House Recessed.
House Reconvened.

Roll Call. All members present, except Representative Phillips, excused. Quorum present.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/23/2011

SB 91, introduced by Brown
SB 205, introduced by Olson
SB 212, introduced by Ripley
SB 255, introduced by Brenden
SB 260, introduced by Windy Boy
SB 277, introduced by Moore
SB 278, introduced by Mowbray
SB 280, introduced by Brown
SB 286, introduced by Olson
SB 287, introduced by Keane

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

SB 290, introduced by Zinke
SB 292, introduced by Olson
SB 294, introduced by Buttrey
SB 297, introduced by Essmann
SB 298, introduced by Vincent
SB 305, introduced by Jackson
SB 315, introduced by Ripley
SB 320, introduced by Jones
SB 337, introduced by Blewett
SB 340, introduced by Vincent
SB 342, introduced by Buttrey
SB 352, introduced by Steinbeisser
SB 354, introduced by Jent
SB 355, introduced by Hamlett
SB 367, introduced by Vincent

Senate joint resolutions passed and transmitted to the House for concurrence: 2/23/2011

SJR 11, introduced by J. Peterson
SJR 14, introduced by Hawks

Representative C. Smith thanked the pages.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 544 - Representative McGillvray moved consideration of **HB 544** be placed at the top of the second reading board. Motion carried.

HB 544 - Representative More moved **HB 544** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 55

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Clark, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 44

Excused: None.

Total 0

Absent or not voting: McNutt.

Total 1

Representative MacDonald rose on a point of personal privilege to apologize for her phone going off.

HB 530 - Representative Washburn moved **HB 530** do pass.

HB 530 - Representative Washburn moved **HB 530**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

Following: "DAY;"

Insert: "REQUIRING THE SECRETARY OF STATE TO ADOPT RULES GOVERNING
SECURITY OF BALLOTS AND SECRECY OF VOTES;"

2. Page 1, line 11.

Following: "ballots"

Insert: "-- rulemaking"

3. Page 2, line 15.

Following: "(8)"

Insert: "(a)"

4. Page 2, line 19.

Following: line 19

Insert: "(b) The secretary of state shall develop administrative rules to establish the process and procedures to be used during the early preparation of ballots to ensure the security of the ballots and the secrecy of the votes during the early preparation period. The rules must include but are not limited to:

(i) the allowable distance from the observers to the judges and ballots;

(ii) the security in the observation area;

(iii) secrecy of votes during the preparation of the ballots; and

(iv) security of the secured ballot boxes in storage until tabulation procedures begin on election day."

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: Phillips.
Total 1

Absent or not voting: None.
Total 0

HB 530 - Representative B. Bennett moved **HB 530**, second reading copy, be further amended as follows:

1. Title, page 1, line 5.
Following: "ELECTION DAY;"
Insert: "PROVIDING FOR SEQUESTRATION OF ELECTION JUDGES AND OBSERVERS;"

2. Page 2, line 19.
Insert: "(9) If the election judges open the secrecy envelopes prior to election day pursuant to subsection (8), the election administrator shall order the election judges and observers to be sequestered. The election judges and observers must remain sequestered as ordered by the election administrator, and the election judges and observers may not communicate with any person except the election administrator on any subject connected with the election until the tabulation is complete on election day."

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Cuffe, Driscoll, Furey, Hands, Hill, Hunter, MacDonald, Malek, McClafferty, Mehlhoff, Noonan, Pease-Lopez, Reinhart, Skees, F. Smith, Swanson, Wilmer.
Total 20

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 78

Excused: Phillips.

Total 1

Absent or not voting: Williams.

Total 1

HB 530 - Representative Washburn moved **HB 530**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

Nays: Belcourt, B. Bennett, Blasdel, Cuffe, Driscoll, Hill, Hunter, McClafferty, Mehlhoff, Miller, More, Noonan, Phillips, Reinhart, Skees.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 583 - Representative Regier moved **HB 583** do pass.

HB 583 - Representative K. Peterson moved **HB 583**, second reading copy, be amended as follows:

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

1. Title, page 1, line 4 through line 6.

Strike: "DETERMINING" on line 4 through "LAWS;" on line 6

2. Title, page 1, line 8.

Strike: "70-30-101, 70-30-111,"

Following: "70-30-207"

Strike: ","

3. Page 1, line 13 through page 4, line 7.

Strike: section 1 through section 4 in their entirety

Renumber: subsequent sections

4. Page 4, line 15 through line 16.

Strike: "conducted" on line 14 through "[section 2(5)]" on line 15

5. Page 7, line 16 through line 18.

Strike: section 7 in its entirety

Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Arntzen, Bangerter, Belcourt, G. Bennett, Blasdel, Blyton, Burnett, Clark, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, MacLaren, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Peterson, Randall, Read, Reichner, Rosendale, Salomon, Skattum, Skees, Small, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Mr. Speaker.

Total 56

Nays: Ankney, Barrett, B. Beck, B. Bennett, Berry, Boland, Brodehl, Connell, Cook, Driscoll, Fitzpatrick, Gibson, Greef, Hands, Hill, Hollenbaugh, Hunter, Klock, Lavin, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, Menahan, Osmundson, Pease-Lopez, Price, Regier, Reinhart, Roberts, Sands, Schmidt, Sesso, C. Smith, F. Smith, Squires, Stahl, Swanson, Wilmer, Yates.

Total 42

Excused: Phillips.

Total 1

Absent or not voting: Noonan.

Total 1

HB 583 - Representative Regier moved **HB 583**, as amended, do pass. Motion carried as follows:

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Yeas: Arntzen, B. Beck, Belcourt, Berry, Boland, Brodehl, Burnett, Connell, Cook, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Lavin, Loney, Malek, McChesney, McNally, McNiven, Menahan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Read, Regier, Reichner, Roberts, Salomon, Sands, Schmidt, Skattum, Small, F. Smith, Stahl, Swanson, Taylor, Warburton, Mr. Speaker.
Total 50

Nays: Ankney, Bangerter, Barrett, B. Bennett, Blasdel, Blyton, Clark, Court, Cuffe, Edmunds, Esp, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollenbaugh, Hunter, Kerns, Knox, Knudsen, MacDonald, MacLaren, McClafferty, McGillvray, McNutt, Mehlhoff, Miller, More, Noonan, Phillips, Randall, Reinhart, Rosendale, Sesso, Skees, C. Smith, Squires, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates.
Total 49

Excused: None.
Total 0

Absent or not voting: G. Bennett.
Total 1

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 87

Nays: B. Bennett, MacDonald, McNiven, Noonan.
Total 4

Excused: Phillips.
Total 1

Absent or not voting: Connell, Edmunds, Hollandsworth, Hollenbaugh, Hunter, O'Hara, Reichner, Skattum.
Total 8

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 594 - Representative Sesso moved **HB 594** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 78

Nays: B. Beck, Blasdel, Burnett, Edmunds, Esp, Hale, Hansen, Harris, Howard, Kennedy, Kerns, Knox, Knudsen, McGillvray, More, Osmundson, Peterson, Randall, Skattum, C. Smith, Vance, Wagner.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 565 - Representative Noonan moved **HB 565** do pass.

HB 565 - Representative Noonan moved **HB 565**, second reading copy, be amended as follows:

1. Page 2, line 9.

Strike: "The"

Insert: "Using existing staff resources, the"

2. Page 2, line 10.

Insert: "design"

Insert: "and implement"

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

Nays: B. Beck, Esp, Hollandsworth, Kennedy, Kerns, Knox, McGillvray, McNiven, Osmundson, Regier, Stahl, Wagner.

Total 12

Excused: Phillips.

Total 1

Absent or not voting: Connell.

Total 1

HB 565 - Representative Noonan moved **HB 565**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 80

Nays: Brodehl, Connell, Edmunds, Ehli, Esp, Hale, Harris, Howard, Kennedy, Kerns, Knox, McGillvray, McNiven, McNutt, More, Osmundson, Schmidt, Skattum, Skees, Wagner.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

HJR 20 - Representative Skees moved **HJR 20** be adopted.

HJR 20 - Representative Kennedy moved **HJR 20**, second reading copy, be amended as follows:

1. Page 3, line 20.

Strike: "reviewed"

Insert: "determined"

2. Page 3, line 21.

Strike: "and have found these laws"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: Phillips.

Total 1

Absent or not voting: Berry.

Total 1

HJR 20 - Representative Skees moved **HJR 20**, as amended, be adopted. Motion carried as follows:

Representative McGillvray rose on a point of order to encourage members to stay on topic when discussing a bill.

Representative Sesso rose on a point of personal privilege to object to the use of the term "Obamacare" on the floor of the House of Representatives.

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Representative McGillvray called the committee out of order.

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Hendrick, Hollandsworth, Howard, Ingraham, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 53

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kary, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 45

Excused: None.

Total 0

Absent or not voting: Evans, Harris.

Total 2

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Salomon, Skattum, Skees, Small, Stahl, Taylor, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Noonan, Pease-Lopez, Price, Reinhart, Rosendale, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: Phillips.

Total 1

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Absent or not voting: Cuffe, Hollenbaugh, C. Smith, Vance.

Total 4

House Recessed.

House Reconvened.

Speaker Milburn addressed the House of Representatives.

Representative Sesso addressed the House of Representatives.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 534 - Representative Howard moved **HB 534** do pass.

HB 534 - Representative Kerns moved **HB 534**, second reading copy, be amended as follows:

1. Page 1, line 20.

Insert: "(4) An agency shall require a person seeking a state service to provide proof of United States citizenship or legal alien status."

Renumber: subsequent subsections

Amendment adopted as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

HB 534 - Representative Howard moved **HB 534**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 56

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 43

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

HB 552 - Representative Hale moved **HB 552** do pass.

HB 552 - Representative Hale moved **HB 552**, second reading copy, be amended as follows:

1. Title, page 1, line 7 through line 9.

Strike: "REVISING" on line 7 through "FIREFIGHTERS;" on line 9

2. Title, page 1, line 11.

Strike: "39-71-105,"

3. Page 5, line 3 through page 6, line 16.

Strike: section 8 in its entirety

Renumber: subsequent sections

4. Page 8, lines 24 through 25.

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Strike: "a" on line 24 through "not-for-profit" on line 25

Insert: "an"

5. Page 8, line 25.

Following: "service"

Insert: "not otherwise covered by subsection (1)(g)"

6. Page 10, line 11.

Following: "benefit"

Insert: "and weekly benefit"

7. Page 10, lines 14 through 18.

Strike: lines 14 through 18

8. Page 10, line 19.

Following: "~~(c)~~A"

Insert: "(c) A"

9. Page 10, lines 25 through 26.

Strike: "on 66 2/3" on line 25 through "weekly" on line 26

Insert: "but who is covered as a volunteer firefighter pursuant to subsection (7)(a), and when injured in the course and scope of employment as a volunteer firefighter may in addition to the benefits described in subsection (7)(b) be eligible for benefits at an assumed wage of the minimum wage established under Title 39, chapter 3, part 4, for 2,080 hours a year. The trustees of a rural fire district, a county governing body providing rural fire protection, or the county commissioners or trustees for a fire service area may make an election for benefits. If an election is made, payrolls must be reported and premiums must be assessed on the assumed"

10. Page 11, line 24.

Strike: "A not-for-profit"

Insert: "An"

Following: "ambulance service"

Insert: "not otherwise covered by subsection (1)(g)"

11. Page 11, line 26.

Strike: "not-for-profit"

12. Page 11, line 27.

Following: "service"

Insert: "not otherwise covered by subsection (1)(g)"

13. Page 11, line 29.

Following: "premium"

Insert: "and weekly benefit"

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

14. Page 12, lines 2 through 9.

Strike: subsection (c) in its entirety

Insert: "(c) A self-employed sole proprietor or partner who has elected not to be covered under this chapter, but who is covered as a volunteer firefighter pursuant to subsection (12)(a), and when injured in the course and scope of employment as a volunteer firefighter may in addition to the benefits described in subsection (12)(b) be eligible for benefits at an assumed wage of the minimum wage established under Title 39, chapter 3, part 4, for 2,080 hours a year. The trustees of a rural fire district, a county governing body providing rural fire protection, or the county commissioners or trustees for a fire service area may make an election for benefits. If an election is made, payrolls must be reported and premiums must be assessed on the assumed weekly wage."

15. Page 12, line 10.

Strike: "a not-for-profit"

Insert: "an"

16. Page 12, line 11.

Following: "service"

Insert: "not otherwise covered by subsection (1)(g)"

17. Page 13, line 30.

Strike: "39-71-118(7)(c)(ii) and (12)(c)(ii)"

Insert: "39-71-118(7)(c) and (12)(c)"

Amendment adopted as follows:

Yeas: Ankney, Bangerter, G. Bennett, Blasdel, Brodehl, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Skees, Swanson, Taylor, Warburton, Yates, Mr. Speaker.
Total 61

Nays: Arntzen, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Burnett, Driscoll, Flynn, Hansen, Harris, Hill, Hiner, Hollenbaugh, Kennedy, Loney, Malek, McGillvray, McNiven, More, Noonan, Pease-Lopez, Rosendale, Salomon, Small, C. Smith, F. Smith, Squires, Stahl, Vance, Wagner, Washburn, Williams, Wilmer.
Total 35

Excused: Phillips.

Total 1

Absent or not voting: B. Beck, Skattum, Welborn.

Total 3

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

HB 552 - Representative Hale moved **HB 552**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Regier, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates.
Total 68

Nays: Arntzen, G. Bennett, Berry, Blyton, Burnett, Edmunds, Esp, Flynn, Hansen, Hollandsworth, Kerns, Knox, Knudsen, McGillvray, McNutt, More, O'Hara, Peterson, Randall, Read, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Vance, Wagner, Welborn, Mr. Speaker.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 555 - Representative Fitzpatrick moved **HB 555** do pass.

HB 555 - Representative Ankney moved for cloture.

HB 555 - Representative Fitzpatrick moved **HB 555** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 57

Nays: Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Evans, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hunter, Ingraham, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 43

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 73

Nays: B. Bennett, Boland, Furey, Hands, Hill, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.

Total 22

Excused: Phillips.

Total 1

Absent or not voting: Court, Gibson, Harris, Peterson.

Total 4

MOTIONS

Representative McGillvray moved **HB 579** be moved from the Transportation committee to the Appropriations committee.

Representative McGillvray moved **HB 274** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 565** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 534** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Thursday, February 24, 2011. Motion carried.

House adjourned at 4:57 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FORTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
February 24, 2011

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Pease-Lopez. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Phillips, excused. Quorum present.

MESSAGES FROM THE GOVERNOR

March 23, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Speaker Milburn:

Please be informed that I have signed **House Bill 1** sponsored by Representative McNutt, **House Bill 21** sponsored by Representative Di. Barrett, **House Bill 22** sponsored by Representative Klock, and **House Bill 60** sponsored by Representative MacLaren on February 23, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 3, introduced by Hawks (by request of the Education and Local Government Interim Committee), referred to State Administration.

SB 34, introduced by Essmann (by request of the Legislative Council), referred to State Administration.

SB 43, introduced by Keane (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

SB 90, introduced by Essmann, referred to Fish, Wildlife and Parks.

SB 109, introduced by De. Barrett, referred to Federal Relations, Energy, and Telecommunications.

SB 117, introduced by Hinkle, Arntzen, G. Bennett, Harris, Hendrick, Howard, Ingraham, Jackson, Kerns, Knox, McGillvray, O'Neil, Randall, Regier, C. Smith, Vance, Vincent, Warburton, Skees, Osmundson, referred to Local Government.

HOUSE JOURNAL
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 24, 2011

SB 132, introduced by Essmann, Hawks, Greef, referred to Human Services.

SB 149, introduced by Essmann, MacLaren, referred to Judiciary.

SB 151, introduced by Brown, Shockley, referred to Judiciary.

SB 153, introduced by Jent, referred to Judiciary.

SB 176, introduced by Hutton, Hinkle, Arthun, Moore, Wittich, Priest, Windy Boy, Balyeat, Murphy, G. Bennett, Zinke, Howard, Lewis, McGillvray, Warburton, Kary, Walker, McNiven, Buttrey, Flynn, Lavin, Yates, Blasdel, Miller, Knox, C. Smith, Skattum, Jones, referred to Human Services.

SB 180, introduced by Sonju, referred to Local Government.

SB 189, introduced by Keane, referred to Human Services.

SB 194, introduced by Brenden, C. Williams, referred to State Administration.

SB 201, introduced by Walker, Arthun, Brown, Lewis, Ripley, Hinkle, Brenden, Buttrey, Essmann, Wittich, De. Barrett, Steinbeisser, Balyeat, Moore, Zinke, Olson, Shockley, Keane, referred to Business and Labor.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 6, introduced by Olson, Buttrey, Priest, Lewis, Ripley, Hinkle, Brown, Jones, Jackson, Moore, Vincent, Steinbeisser, Zinke, Walker, Tutvedt, Murphy, Arthun, Brenden, Hutton, Wittich, Essmann, Sonju, Keane, McNutt, Cook, G. Bennett, Harris, Howard, McChesney, Regier, Washburn, Read, Wagner, Loney, Rosendale, Welborn, Klock, C. Smith, Blasdel, Osmundson, De. Barrett, referred to Natural Resources.

SJR 8, introduced by Hawks, Hollandsworth, Brown, Wilmer, referred to Education.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 89 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: Belcourt, Squires.

Total 2

HOUSE JOURNAL
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 24, 2011

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 54 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: Phillips.

Total 1

Absent or not voting: Blasdel, Harris.

Total 2

HB 334 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

HOUSE JOURNAL
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 24, 2011

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 479 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 78

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, MacDonald, Malek, McClafferty, Menahan, Noonan, Price, Reinhart, Sands, Sesso, Squires, Swanson, Wilmer.

Total 20

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 494 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNally, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

HOUSE JOURNAL
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 24, 2011

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 526 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 62

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 36

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 573 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: G. Bennett, Burnett, Hendrick, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, Randall, Skattum, Vance, Wagner, Warburton.

Total 14

HOUSE JOURNAL
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 24, 2011

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 446 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan,

Noonan, Pease-Lopez, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 51

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn.

Total 47

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 530 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Salomon, Sands, Schmidt, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 82

Nays: Belcourt, B. Bennett, Blasdel, Hale, Hunter, McClafferty, Mehlhoff, Miller, Noonan, Price, Reinhart, Rosendale, Sesso, Skees, Vance, Williams.

Total 16

HOUSE JOURNAL
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 24, 2011

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 544 passed as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 53

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Clark, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 45

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 583 failed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Boland, Brodehl, Burnett, Connell, Cook, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Hendrick, Hiner, Hollandsworth, Hoven, Hunter, Ingraham, Kennedy, Klock, Lavin, Loney, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, O'Hara, O'Neil, Peterson, Price, Regier, Reichner, Roberts, Sands, Schmidt, Skattum, Small, Swanson, Warburton, Williams, Mr. Speaker.

Total 47

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Blasdel, Blyton, Clark, Court, Cuffe, Edmunds, Flynn, Gibson, Greef, Hale, Hands, Hansen, Hill, Hollenbaugh, Howard, Kary, Kerns, Knox, Knudsen, MacDonald, MacLaren, Malek, McClafferty, Mehlhoff, Miller, More, Noonan, Osmundson, Pease-Lopez, Randall, Read, Reinhart, Rosendale, Salomon, Sesso, Skees, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Wilmer, Yates.

Total 51

HOUSE JOURNAL
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 24, 2011

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 594 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: B. Beck, G. Bennett, Blasdel, Burnett, Edmunds, Esp, Hale, Hansen, Howard, Kennedy, Kerns, Knox, Knudsen, McGillvray, More, Osmundson, Randall, Skattum, C. Smith, Vance, Wagner.

Total 21

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HJR 20 failed as follows:

Yeas: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Flynn, Greef, Hale, Hansen, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn.

Total 46

Nays: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Esp, Evans, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 52

HOUSE JOURNAL
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 24, 2011

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 552 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Miller, O'Neil, Osmundson, Pease-Lopez, Price, Read, Regier, Reinhart, Roberts, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates.

Total 71

Nays: G. Bennett, Blyton, Burnett, Edmunds, Esp, Flynn, Hansen, Hollandsworth, Kerns, Knox, Knudsen, McGillvray, McNutt, More, Noonan, O'Hara, Peterson, Randall, Reichner, Rosendale, Salomon, Skattum, Stahl, Vance, Wagner, Welborn, Mr. Speaker.

Total 27

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 555 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hendrick, Hollandsworth, Hoven, Howard, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 56

Nays: Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Evans, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hunter, Ingraham, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Peterson, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 42

HOUSE JOURNAL
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 24, 2011

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray made closing remarks.

Representative Sesso made closing remarks.

Representative McGillvray moved that the House adjourn until 4:30 p.m., Tuesday, March 1, 2011.

Motion carried.

House adjourned at 8:31 a.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FORTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
March 1, 2011

House Chambers
State Capitol

House convened at 4:30 p.m. Mr. Speaker in the Chair. Invocation by Representative C. Smith. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Taylor, excused. Quorum present.

BILLS (O'Hara, Chairman): 3/1/2011

Examined by the sponsor and found to be correct: **HB 54, HB 89**.
Correctly enrolled: **HB 54, HB 89**.

Rep. Regier introduced the pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman): 3/1/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 9:00 a.m., Thursday, February 24, 2011:

TITLE

NAME

Pages:	Teslie Weisner, Augusta
	Ann Updike, Townsend
	Aaron Folsom, Helena
	Caleb Metroka, Helena
	Clare Menahan, Helena
	Colin Gillard, Eureka
	Geoffrey Gorham, Shepherd
	Logan Van Fleet, Kalispell

and recommend that the following attaches of the House be employed as of 12:00 p.m., Tuesday, March 1, 2011:

TITLE

NAME

Pages:	Toriah Baker, Great Falls
	Andrew Helming, Butte
	Tori Nickol, Helena
	Tessa Kilsdonk, Baker
	Jacy O'Neill, Plentywood
	Claire Garman, Townsend

HOUSE JOURNAL
FORTY-SIXTH LEGISLATIVE DAY - MARCH 1, 2011

Amanda Tharp, Sunburst
Mary Sue Gerst, Basin

Report Adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/24/2011

SB 141, introduced by Gillan
SB 174, introduced by Vuckovich
SB 211, introduced by Hutton
SB 224, introduced by Priest
SB 226, introduced by Priest
SB 233, introduced by Keane
SB 241, introduced by Priest
SB 276, introduced by Facey
SB 284, introduced by Blewett
SB 291, introduced by Zinke
SB 301, introduced by Ripley
SB 304, introduced by Shockley
SB 306, introduced by Murphy
SB 324, introduced by Balyeat
SB 327, introduced by Larsen
SB 330, introduced by Walker
SB 341, introduced by Moore
SB 351, introduced by Ripley
SB 356, introduced by Hamlett
SB 357, introduced by Hamlett
SB 361, introduced by Ripley
SB 366, introduced by Vincent
SB 370, introduced by Priest
SB 374, introduced by Olson
SB 384, introduced by Van Dyk

Senate joint resolution passed and transmitted to the House for concurrence:

2/24/2011

SJR 12, introduced by Walker

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 599, introduced by McGillvray, referred to Transportation.
HB 600, introduced by Ehli, Stahl, referred to Judiciary.

HOUSE JOURNAL
FORTY-SIXTH LEGISLATIVE DAY - MARCH 1, 2011

HB 601, introduced by Edmunds, referred to Business and Labor.

HB 602, introduced by McNutt, referred to Natural Resources.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Wednesday, March 2, 2011. Motion carried.

House adjourned at 4:37 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FORTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
March 2, 2011

House Chambers
State Capitol

House convened at 12:52 p.m. Mr. Speaker in the Chair. Invocation by Representative Arntzen. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Evans, excused. Quorum present.

BILLS (O'Hara, Chairman): 3/2/2011

Correctly printed: **SB 31, SB 41, SB 46, SB 51, SB 53, SB 60, SB 72, SB 186.**

Signed by the Chief Clerk of the House at 8:00 a.m., March 2, 2011: **HB 54, HB 89.**

Signed by the Speaker at 1:45 p.m., March 2, 2011: **HB 54, HB 89.**

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman): 3/2/2011

SB 46, be concurred in. Report adopted.

SB 51, be concurred in. Report adopted.

SB 186, be concurred in. Report adopted.

JUDICIARY (Peterson, Chairman): 3/2/2011

SB 41, be concurred in. Report adopted.

SB 60, be concurred in. Report adopted.

SB 72, be concurred in. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman): 3/2/2011

SB 31, be concurred in and be placed on the Consent Calendar. Report adopted.

SB 53, be concurred in. Report adopted.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative K. Peterson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 299 - Representative McGillvray moved consideration of **HB 299** be passed for the day. Motion carried.

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 2, 2011

HB 189 - Representative McGillvray moved consideration of **HB 189** be passed for the day.
Motion carried.

HB 116 - Representative Ingraham moved **HB 116** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: Miller.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 122 - Representative Malek moved **HB 122** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 88

Nays: B. Bennett, Edmunds, Esp, Hale, Hoven, Howard, Kennedy, Kerns, Knox, Miller, More, Wagner.
Total 12

Excused: None.
Total 0

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 2, 2011

Absent or not voting: None. Total 0

HB 135 - Representative Squires moved **HB 135** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Hale, Peterson.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 184 - Representative C. Smith moved **HB 184** do pass.

HB 184 - Representative C. Smith moved **HB 184**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

Following: "MEMBERS"

Insert: "COVERED BY INDIVIDUAL INSURANCE COVERAGE"

2. Title, page 1, line 7.

Following: "PAYMENTS"

Insert: "FOR INDIVIDUAL INSURANCE COVERAGE"

3. Page 1, line 18.

Following: "expenses paid"

Insert: "during the tax year"

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 2, 2011

4. Page 1, line 19.

Strike: "during the tax year"

Insert: "when the individual and family members are covered by an individual insurance policy that is not part of a group or blanket policy"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

Nays: Belcourt, B. Bennett, Court, Driscoll, Hands, Hill, Hollenbaugh, Hunter, Malek, Pease-Lopez, Phillips, Sands, F. Smith.

Total 13

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 184 - Representative C. Smith moved **HB 184**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 2, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 192 - Representative O'Neil moved **HB 192** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 64

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Cook, Fitzpatrick, Flynn, Furey, Hands, Hill, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, Squires, Swanson, Welborn, Williams, Wilmer.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 248 - Representative Miller moved **HB 248** do pass. Motion **failed** as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Clark, Esp, Evans, Fitzpatrick, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, Miller, O'Hara, O'Neil, Osmundson, Peterson, Randall, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 44

Nays: Ankney, Barrett, Belcourt, B. Bennett, Berry, Boland, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Flynn, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, Pease-Lopez, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer.

Total 56

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 2, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman K. Peterson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: B. Bennett, Hendrick, Pease-Lopez, F. Smith.

Total 4

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Representative McGillvray moved **HB 184** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 192** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 299** be moved back to the Judiciary committee.

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 2, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Thursday, March 3, 2011. Motion carried.

House adjourned at 2:01 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FORTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
March 3, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative McGillvray. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Swanson, excused. Quorum present.

BILLS (O'Hara, Chairman):

3/3/2011

Delivered to the Governor for approval at 3:30 p.m., March 3, 2011: **HB 54, HB 89.**
Correctly printed: **SB 62, SB 65.**

REPORTS OF STANDING COMMITTEES

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 3/2/2011

SB 62, be concurred in. Report adopted.

SB 65, be concurred in. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 58, introduced by Moss, Shockley (by request of the Law and Justice Interim Committee), referred to Judiciary.

SB 97, introduced by Shockley, referred to Judiciary.

SB 111, introduced by Sonju, Jones, Randall, Stahl, Taylor, Vance, referred to Judiciary.

SB 114, introduced by Hinkle, Brenden, Flynn, Hendrick, Hutton, Jones, Kary, Kennedy, Kerns, Miller, Randall, C. Smith, Sonju, Stahl, Steinbeisser, Warburton, Blasdel, Rosendale, Loney, Skees, Buttrey, Burnett, Osmundson, Wagner, Jones, referred to Transportation.

SB 141, introduced by Gillan, Wilmer, Brown, Shockley, C. Williams, McClafferty, Sesso, Schmidt, Branae, MacDonald, Moss, Blewett, Van Dyk, referred to Education.

SB 144, introduced by Brenden, Arthun, J. Peterson, C. Smith, Tutvedt, Hinkle, Brown, Jones, Zinke, Moore, De. Barrett, Olson, Welborn, Ripley, Vincent, Steinbeisser, Lewis, McNutt, Knudsen, referred to Fish, Wildlife and Parks.

SB 168, introduced by Van Dyk, referred to Business and Labor.

SB 172, introduced by Lake, referred to Taxation.

SB 174, introduced by Vuckovich, Brenden, Hinkle, Keane, Lewis, referred to Fish, Wildlife and Parks.

SB 179, introduced by Wittich, Shockley, Jent, De. Barrett, Moore, Hinkle, Rosendale, O'Hara, Flynn, Ripley, O'Neil, Blasdel, C. Smith, Walker, Stewart-Peregoy, Hollenbaugh, Zinke, Noonan, Hawks, Hendrick, Skattum, Sonju, Erickson, Murphy, K. Peterson, Hutton, Vincent, Fitzpatrick, Skees, Facey, Hansen, Lavin, Jones, Arthun, Brodehl, Buttrey, referred to Transportation.

SB 182, introduced by Van Dyk, referred to State Administration.

HOUSE JOURNAL
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

SB 185, introduced by Wanzenried, MacDonald, McClafferty, Rosendale, Cook, Wilmer, Augare, Sesso, C. Williams, Steinbeisser, Gibson, Zinke, Larsen, Menahan, Kaufmann, Jent, Erickson, Tropila, Skees, Read, referred to Judiciary.

SB 192, introduced by Erickson, referred to Transportation.

SB 198, introduced by Balyeat, Tutvedt, Arthun, Zinke, Hendrick, Shockley, Wittich, De. Barrett, Moore, Jackson, Vuckovich, Sonju, Hinkle, Steinbeisser, Buttrey, Brown, Ripley, Brenden, Walker, Lewis, Yates, Priest, Vincent, Jones, Vance, Kary, Hansen, Burnett, referred to State Administration.

SB 204, introduced by Blewett, McGillvray, referred to State Administration.

SB 211, introduced by Hutton, referred to Transportation.

SB 213, introduced by Vuckovich, referred to Transportation.

SB 216, introduced by J. Peterson, Milburn, referred to Agriculture.

SB 218, introduced by Steinbeisser, Arthun, Murphy, Larsen, J. Peterson, Ripley, Hamlett, Brown, Jones, Stewart-Peregoy, Tutvedt, Jackson, Olson, McNutt, Sonju, Moore, referred to Agriculture.

SB 222, introduced by Augare, referred to Local Government.

SB 224, introduced by Priest, referred to Human Services.

SB 225, introduced by Priest, referred to Federal Relations, Energy, and Telecommunications.

SB 226, introduced by Priest, referred to Federal Relations, Energy, and Telecommunications.

SB 227, introduced by Priest, referred to State Administration.

SB 233, introduced by Keane, Vuckovich, Olson, Klock, Hiner, McChesney, Tutvedt, Ankney, Windy Boy, Hamlett, referred to Federal Relations, Energy, and Telecommunications.

SB 238, introduced by Blewett, referred to Judiciary.

SB 241, introduced by Priest, referred to Human Services.

SB 242, introduced by Brenden, Jones, Ripley, De. Barrett, Tutvedt, Steinbeisser, J. Peterson, Murphy, Brown, referred to Business and Labor.

SB 246, introduced by Olson, referred to Federal Relations, Energy, and Telecommunications.

SB 256, introduced by Gillan, O'Hara, referred to Business and Labor.

SB 258, introduced by Buttrey, Sonju, referred to Transportation.

SB 268, introduced by Balyeat, Essmann, Priest, Hinkle, Jackson, Vincent, Murphy, Arthun, Sonju, Buttrey, Brown, Stahl, Harris, Ripley, Walker, Klock, Skees, Tutvedt, Blasdel, Hale, Moore, Hendrick, Clark, Brenden, Salomon, McGillvray, Knox, Loney, Cuffe, Greef, Rosendale, Brodehl, Ehli, Skattum, Olson, McNiven, Vance, Burnett, Blyton, Howard, MacLaren, Welborn, De. Barrett, Steinbeisser, O'Neil, O'Hara, Flynn, G. Bennett, Small, More, Ingraham, C. Smith, Arntzen, Read, Kerns, Warburton, Berry, Washburn, Wittich, Lewis, Connell, Hutton, Jones, Lake, Reichner, referred to Judiciary.

SB 269, introduced by Buttrey, referred to Business and Labor.

SB 271, introduced by Gallus, referred to Appropriations.

SB 275, introduced by Zinke, referred to Local Government.

SB 276, introduced by Facey, referred to Judiciary.

SB 285, introduced by Olson, referred to Federal Relations, Energy, and Telecommunications.

SB 291, introduced by Zinke, referred to State Administration.

SB 301, introduced by Ripley, Brenden, referred to Fish, Wildlife and Parks.

SB 304, introduced by Shockley, Augare, referred to Judiciary.

SB 307, introduced by Tutvedt, Knox, referred to State Administration.

HOUSE JOURNAL
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 10, introduced by Priest, Hinkle, Burnett, Hutton, Murphy, Jackson, Lewis, Buttrey, Wittich, De. Barrett, Mowbray, Roberts, referred to Natural Resources.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ingraham in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 262 - Representative Sands moved **HB 262** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 74

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Hale, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, McNutt, More, O'Neil, Randall, Skattum, Skees, C. Smith, Taylor, Wagner.
Total 25

Excused: Swanson.
Total 1

Absent or not voting: None.
Total 0

HB 285 - Representative Harris moved **HB 285** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor,

HOUSE JOURNAL
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 59

Nays: Barrett, Belcourt, B. Bennett, Boland, Burnett, Cook, Court, Driscoll, Ehli, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer, Yates.

Total 40

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

SB 63 - Representative Hunter moved **SB 63** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Esp, Kennedy, More.

Total 3

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

SB 78 - Representative Clark moved **SB 78** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney,

HOUSE JOURNAL
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Kennedy, More, Skattum, Skees.

Total 4

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HB 358 - Representative MacLaren moved **HB 358** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Wilmer.

Total 30

Excused: Swanson.

Total 1

Absent or not voting: O'Hara.

Total 1

HB 370 - Representative Squires moved **HB 370** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Flynn, Furey, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kary, Kennedy, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read,

HOUSE JOURNAL
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

Reinhart, Sands, Schmidt, Sesso, Small, Squires, Wagner, Washburn, Welborn, Williams, Wilmer, Yates.

Total 65

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Edmunds, Esp, Fitzpatrick, Gibson, Hale, Hansen, Hollandsworth, Howard, Ingraham, Kerns, Knox, Knudsen, McNiven, O'Neil, Osmundson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, F. Smith, Stahl, Taylor, Vance, Warburton, Mr. Speaker.

Total 34

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HB 445 - Representative C. Smith moved **HB 445** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.

Total 33

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HB 521 - Representative More moved **HB 521** do pass. Motion **failed** as follows:

Yeas: B. Beck, G. Bennett, Berry, Blasdel, Blyton, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, More, O'Neil, Osmundson, Randall, Read,

HOUSE JOURNAL
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

Regier, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner,
Warburton, Washburn, Welborn.
Total 45

Nays: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Brodehl, Burnett,
Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth,
Hollenbaugh, Hoven, Hunter, Kary, Klock, MacDonald, MacLaren, Malek, McChesney,
McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez,
Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith,
Squires, Williams, Wilmer, Yates, Mr. Speaker.
Total 54

Excused: Swanson.
Total 1

Absent or not voting: None.
Total 0

HB 428 - Representative Berry moved **HB 428** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,
Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans,
Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner,
Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock,
Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray,
McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson,
Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts,
Rosendale, Salomon, Sands, Schmidt, Sesso, C. Smith, F. Smith, Squires, Stahl, Taylor,
Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 88

Nays: Blasdel, Edmunds, Hale, Kerns, Knox, Miller, O'Neil, Skattum, Skees, Small, Wagner.
Total 11

Excused: Swanson.
Total 1

Absent or not voting: None.
Total 0

HB 387 - Representative Flynn moved **HB 387** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,
Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll,
Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen,

HOUSE JOURNAL
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: F. Smith.

Total 1

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HB 189 - Representative Di. Barrett moved **HB 189** do pass.

HB 189 - Representative Di. Barrett moved **HB 189**, second reading copy, be amended as follows:

1. Title, page 1, line 12 through line 15.

Strike: "REDUCING" on line 12 through ";" on line 15

2. Title, page 1, line 16.

Following: "19-20-802,"

Insert: "AND"

Following: "19-20-804,"

Strike: "AND 20-9-501,"

3. Page 9, line 21 through page 12, line 15.

Strike: section 6 in its entirety

Renumber: subsequent sections

4. Page 12, line 25 through page 13, line 5.

Strike: section 7 in its entirety

Renumber: subsequent section

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner,

HOUSE JOURNAL
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: B. Beck, Hale, Harris, Hendrick, Howard, O'Neil.

Total 6

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HB 189 - Representative Di. Barrett moved **HB 189**, as amended, do pass. Motion **failed** as follows:

Yeas: Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Blasdel, Boland, Connell, Court, Driscoll, Esp, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Kary, Klock, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Regier, Reichner, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Williams, Wilmer, Yates.

Total 47

Nays: Ankney, B. Beck, G. Bennett, Berry, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Kerns, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Peterson, Randall, Read, Roberts, Rosendale, Salomon, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 51

Excused: Swanson.

Total 1

Absent or not voting: Mehlhoff.

Total 1

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Ingraham moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl,

HOUSE JOURNAL
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNiven, McNutt, Menahan, Miller, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skees, Small, C. Smith, Squires, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 74

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hendrick, Hill, Hiner, McNally, More, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, F. Smith, Williams.

Total 22

Excused: Swanson.

Total 1

Absent or not voting: B. Beck, Mehlhoff, Stahl.

Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 116 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Miller.

Total 1

Excused: Swanson.

Total 1

Absent or not voting: Edmunds, Mehlhoff, Peterson, Sands. Total 4

HOUSE JOURNAL
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

HB 122 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 82

Nays: B. Bennett, G. Bennett, Esp, Hale, Hoven, Howard, Kennedy, Kerns, Miller, More, Wagner, Welborn.

Total 12

Excused: Swanson.

Total 1

Absent or not voting: Edmunds, Mehlhoff, Peterson, Sands, Taylor.

Total 5

HB 135 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Hale.

Total 1

Excused: Swanson.

Total 1

Absent or not voting: Edmunds, Mehlhoff, Peterson, Sands.

Total 4

HOUSE JOURNAL
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 2011

MOTIONS

Representative McGillvray moved **HB 358** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 445** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 602** be moved from the Natural Resources committee to the Appropriations committee.

SPECIAL ORDERS OF THE DAY

Chief Clerk Cargo announced that **SB 31** had been placed on the consent calendar.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Friday, March 4, 2011. Motion carried.

House adjourned at 3:19 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FORTY-NINTH LEGISLATIVE DAY**

Helena, Montana
March 4, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Salomon. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Swanson, excused. Quorum present.

BILLS (O'Hara, Chairman):

3/4/2011

Correctly printed: **HB 529, SB 26, SB 95, SB 152.**

Correctly engrossed: **HB 286, HB 299, SB 16, SB 36, SB 67.**

Examined by the sponsor and found to be correct: **HB 74, HB 204, HB 208, HB 294.**

Signed by the Speaker at 5:30 p.m., March 4, 2011: **HB 74, HB 204, HB 208, HB 294.**

Signed by the Chief Clerk of the House at 4:00 p.m., March 4, 2011: **HB 74, HB 204, HB 208, HB 294.**

Correctly enrolled: **HB 74, HB 204, HB 208, HB 294.**

Representative Regier introduced Terry and Judy Fosbery from Kalispell, who entertained the House.

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, and thirty-second legislative days, find the same to be correct.

Representative O'Hara, Chair

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman):

3/3/2011

HB 286, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "AN"

Insert: "A DELAYED"

2. Title, page 1, line 6.

Strike: "INCREASING THE"

Insert: "A UTHORIZING COLLECTION OF AN OPTIONAL WILDLIFE POPULATION
MANAGEMENT FEE WITH PURCHASE OF A"

Strike: "FEE"

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

3. Page 5 through page 6.

Strike: "87-2-202." on line 15 on page 5 through line 26 on page 6

4. Page 6, line 27.

Strike: "(Effective March 1, 2011)"

5. Page 7, line 11.

Strike: "\$9"

Insert: "\$8"

6. Page 7, line 11 through line 12.

Strike: "\$1" on line 11 through "and" on line 12

7. Page 7, line 13.

Strike: "\$11"

Insert: "\$10"

8. Page 7, line 13 through line 14.

Strike: "\$1" on line 13 through "and" on line 14

9. Page 7.

Following: line 29

Insert: "(e) (i) In addition to the fees in subsections (3)(a) through (3)(d) and unless an applicant exercises the option in subsection (3)(e)(ii), the first time in a license year that a resident or nonresident uses the wildlife conservation license as a prerequisite to purchase a hunting license, an additional \$5 wildlife population management fee is assessed. The additional fee may be used by the department only as provided in [section 3]. The wildlife conservation license must be marked appropriately when the wildlife population management fee is paid. The wildlife population management fee is chargeable only once during a license year.

(ii) An applicant who purchases a wildlife conservation license as a prerequisite to purchase a hunting license may, at the time of purchase, elect not to pay the additional \$5 fee provided for in subsection (3)(e)(i). If an election is made, the fee may not be collected."

10. Page 8, line 18.

Strike: "\$1"

Insert: "\$5"

Following: "87-2-202"

Insert: "(3)(e)"

11. Page 8, line 21.

Following: "manage"

Insert: "bears, wolves, and"

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

12. Page 9, line 2.

Strike: "July 1, 2011"

Insert: "March 1, 2012"

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Arntzen, Chairman):

3/3/2011

SB 16, be amended as follows:

1. Title, page 1, line 8.

Following: "RACES;"

Insert: "APPROPRIATING CERTAIN FUNDS TO THE BOARD OF HORSERACING;"

2. Title, page 1, line 9.

Following: "23-4-101,"

Insert: "23-4-105,"

3. Page 3, following line 2.

Insert: "**Section 2.** Section 23-4-105, MCA, is amended to read:

"23-4-105. Authority of board. (1) The board shall license and regulate racing, match bronc rides, and wild horse rides and review race meets held in this state under this chapter. All percentages withheld from amounts wagered, amounts set aside pursuant to 23-4-202(4)(d), percentages collected pursuant to 23-4-204(3), percentages collected pursuant to 23-4-302(3) and (5)(b)(iii), and money collected pursuant to 23-4-304(1)(a) and (1)(b) must be deposited in a state special revenue account and are statutorily appropriated to the board as provided in 17-7-502. The board shall then distribute all funds collected under 23-4-202(4)(d), 23-4-204(3), 23-4-302(3) and (5)(b)(iii), and 23-4-304(1)(a) and (1)(b) to live race purses or for other purposes for the good of the existing horseracing industry. If the board decides to authorize new forms of racing, including new forms of simulcast racing, not currently authorized in Montana the board shall do so after holding public hearings to determine the effects of these forms of racing on the existing saddle racing program in Montana. The board shall consider both the economic and safety impacts on the existing racing and breeding industry.

(2) Funds retained by the board in a state special revenue fund pursuant to 23-4-302(1) and (4) are statutorily appropriated to the board as provided in 17-7-502 for the operation of a simulcast parimutuel network and for other purposes that the board considers appropriate for the good of the existing horseracing industry.""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

JUDICIARY (Peterson, Chairman):

3/3/2011

HB 299, introduced bill, be amended as follows:

1. Title, line 6.

Following: "FELONY;"

Insert: "PROVIDING FOR ALCOHOL TESTING AS A CONDITION OF CERTAIN SENTENCES;"

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

2. Page 4.

Following: line 26

Insert: "(a) for a third offense, sentencing the person as provided under subsections (1)(b) through (1)(d), which must be suspended on the condition that the person not consume alcohol and participate in a program of alcohol testing for a period of 13 consecutive months. The requirement for alcohol testing may not be suspended or deferred, and compliance with the testing condition must be monitored by department probation program officers as authorized by 46-23-1004. The court may also impose additional conditions as appropriate. If an offender violates a condition upon which the sentence was suspended as provided in this subsection (1)(a), the suspension must be revoked by the method provided for in 46-18-203."

Renumber: subsequent subsections

3. Page 5, line 4.

Strike: "(1)(a)"

Insert: "(1)(b)"

4. Page 5, line 6.

Strike: "(1)(a)"

Insert: "(1)(b)"

And, as amended, do pass. Report adopted.

SB 26, be concurred in. Report adopted.

SB 36, be amended as follows:

1. Title, line 7.

Strike: "PROHIBITING"

Insert: "ALLOWING"

2. Title, line 9 through line 10.

Strike: "A RETROACTIVE"

Insert: "AN"

3. Page 1, line 18.

Strike: "NOT"

4. Page 1, line 25 through line 27.

Strike: section 3 in its entirety

Insert: "NEW SECTION. Section 3. Applicability. [This act] applies to an application for a permit or a change in an appropriation right filed on or after [the effective date of this act]."

And, as amended, be concurred in. Report adopted.

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

SB 67, be amended as follows:

1. Page 1, line 7.

Strike: "YEAR"

Insert: "YEARS"

Following: "2011"

Insert: " THROUGH 2013"

2. Page 1, line 28.

Strike: "2011"

Insert: "in fiscal years 2011 through 2013"

Following: "\$25,000"

Insert: "in each fiscal year"

3. Page 1, line 30

Strike: "year"

Insert: "years"

Following: "2011"

Insert: "through 2013"

And, as amended, be concurred in. Report adopted.

SB 152, be concurred in. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman):

3/3/2011

HB 529, do pass. Report adopted.

SB 95, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

3/3/2011

SB 1, introduced by Tutvedt

SB 219, introduced by Branae

SB 283, introduced by Essmann

Senate bills passed and transmitted to the House for concurrence after deadline:

3/3/2011

SB 303, introduced by Brenden

House bills concurred in and returned to the House:

3/3/2011

HB 74, introduced by Schmidt

HB 204, introduced by Salomon

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

HB 208, introduced by Welborn

HB 294, introduced by Cook

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

3/3/2011

HB 182, introduced by Arntzen

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 91, introduced by Brown, referred to Local Government.

SB 113, introduced by Jent, referred to State Administration.

SB 183, introduced by Brown, Walker, Zinke, Essmann, Tutvedt, Jones, Lewis, Moore, Olson, Arthun, J. Peterson, Branae, referred to Local Government.

SB 191, introduced by Erickson, referred to Local Government.

SB 205, introduced by Olson, referred to Federal Relations, Energy, and Telecommunications.

SB 206, introduced by Jones, K. Peterson, Brown, Mehlhoff, Cook, Milburn, referred to Federal Relations, Energy, and Telecommunications.

SB 208, introduced by Erickson, referred to Education.

SB 212, introduced by Ripley, Warburton, Arthun, De. Barrett, Brown, Moore, referred to Fish, Wildlife and Parks.

SB 228, introduced by Priest, referred to Business and Labor.

SB 234, introduced by Sonju, Vance, Hale, Steinbeisser, Gallus, Keane, referred to Local Government.

SB 236, introduced by Buttrey, Steinbeisser, Wagner, Zinke, Lewis, Hale, Blasdel, referred to Local Government.

SB 254, introduced by Hutton, Vincent, Murphy, Arthun, Warburton, Ankney, Walker, Jackson, Harris, Stahl, Flynn, G. Bennett, referred to Federal Relations, Energy, and Telecommunications.

SB 255, introduced by Brenden, referred to Fish, Wildlife and Parks.

SB 260, introduced by Windy Boy, Hamlett, Blewett, Phillips, Driscoll, Buttrey, Stewart-Peregoy, Keane, Augare, Caferro, Gallus, referred to Business and Labor.

SB 272, introduced by Murphy, Arntzen, Steinbeisser, Windy Boy, Roberts, Moss, Klock, Pease-Lopez, F. Smith, K. Peterson, Belcourt, Jackson, Essmann, Evans, Augare, Hutton, Read, Stewart-Peregoy, Reichner, referred to Business and Labor.

SB 277, introduced by Moore, Brown, referred to Agriculture.

SB 278, introduced by Mowbray, Sonju, Vincent, Buttrey, Larsen, Tutvedt, Reinhart, Hollenbaugh, Blasdel, Milburn, referred to Transportation.

SB 279, introduced by Jackson, Shockley, Wagner, Regier, K. Peterson, Kerns, O'Neil, Gallus, Brown, Blyton, Hutton, Randall, Balyeat, Flynn, Warburton, Edmunds, Small, Skees, Hale, C. Smith, Priest, Hinkle, Skattum, Osmundson, More, Miller, Blasdel, Sonju, referred to Judiciary.

SB 280, introduced by Brown, referred to Education.

SB 286, introduced by Olson, referred to Natural Resources.

SB 287, introduced by Keane, referred to Business and Labor.

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

SB 289, introduced by Zinke, referred to Business and Labor.
SB 290, introduced by Zinke, referred to Business and Labor.
SB 292, introduced by Olson, Ankney, Berry, Gillan, Edmunds, McChesney, Keane, McGillvray, Milburn, G. Bennett, referred to Natural Resources.
SB 294, introduced by Buttrey, referred to Business and Labor.
SB 297, introduced by Essmann, Olson, J. Peterson, Keane, Berry, Ankney, McGillvray, Milburn, referred to Natural Resources.
SB 298, introduced by Vincent, referred to Local Government.
SB 305, introduced by Jackson, Olson, Klock, referred to Federal Relations, Energy, and Telecommunications.
SB 311, introduced by Gallus, Brenden, Essmann, Hamlett, Jones, Keane, J. Peterson, Tutvedt, C. Williams, referred to State Administration.
SB 315, introduced by Ripley, De. Barrett, Balyeat, Lewis, referred to Education.
SB 320, introduced by Jones, Cook, Klock, Olson, referred to Federal Relations, Energy, and Telecommunications.
SB 335, introduced by Shockley, referred to Judiciary.
SB 337, introduced by Blewett, Shockley, referred to Judiciary.
SB 340, introduced by Vincent, referred to Local Government.
SB 342, introduced by Buttrey, Balyeat, Vincent, Hinkle, Essmann, Brown, Sonju, Mowbray, Jackson, Olson, Priest, referred to Business and Labor.
SB 352, introduced by Steinbeisser, referred to Business and Labor.
SB 354, introduced by Jent, referred to Judiciary.
SB 355, introduced by Hamlett, referred to Education.
SB 367, introduced by Vincent, referred to Natural Resources.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 4, introduced by Wittich, referred to Federal Relations, Energy, and Telecommunications.
SJR 11, introduced by J. Peterson, Essmann, Milburn, McGillvray, referred to Education.
SJR 14, introduced by Hawks, referred to Agriculture.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hansen in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 429 - Representative McGillvray moved consideration of **HB 429** be passed for the day. Motion carried.

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

HB 372 - Representative Washburn moved **HB 372** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Hendrick, F. Smith.

Total 2

Excused: Swanson.

Total 1

Absent or not voting: Harris, O'Hara.

Total 2

HB 389 - Representative Noonan moved **HB 389** do pass. Motion **failed** as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Fitzpatrick, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Wagner, Warburton, Welborn, Williams, Wilmer, Yates.

Total 40

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Washburn, Mr. Speaker.

Total 59

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

HB 449 - Representative Blasdel moved **HB 449** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Arntzen, Burnett, Hale, Kary, Kerns, Loney, Randall, Rosendale, Skattum, C. Smith, Wagner.

Total 11

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HB 460 - Representative K. Peterson moved **HB 460** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Ankney, Small, Welborn.

Total 3

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

HB 582 - Representative Esp moved **HB 582** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 72

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Hands, Hill, Hiner, Hollenbaugh, MacDonald, Malek, McChesney, McClafferty, McNally, Pease-Lopez, Phillips, Price, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.
Total 26

Excused: Swanson.
Total 1

Absent or not voting: Noonan.
Total 1

SB 19 - Representative K. Peterson moved **SB 19** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: Swanson.
Total 1

Absent or not voting: None.
Total 0

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

SB 21 - Representative Bangerter moved **SB 21** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 97

Nays: Knudsen.

Total 1

Excused: Swanson.

Total 1

Absent or not voting: Yates.

Total 1

SB 23 - Representative Reinhart moved **SB 23** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hansen, Hollenbaugh, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Williams.

Total 32

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 67

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

SB 27 - Representative Hunter moved **SB 27** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Boland, Connell, Court, Cuffe, Driscoll, Evans, Furey, Greef, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Taylor, Warburton, Washburn, Williams, Wilmer, Yates.

Total 55

Nays: B. Beck, G. Bennett, Blyton, Brodehl, Burnett, Clark, Cook, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Hale, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, Miller, More, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Vance, Wagner, Welborn, Mr. Speaker.

Total 44

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HB 195 - Representative Rosendale moved **HB 195** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Belcourt, Boland, Court, Hale, Kennedy, Kerns, Miller, Peterson, Reinhart, Small, Wagner.

Total 11

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hansen moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.
Total 81

Nays: Belcourt, B. Bennett, Boland, Court, Hands, Hill, MacDonald, Malek, McClafferty, Pease-Lopez, Phillips, Price, Reinhart, Sesso, Wilmer.
Total 15

Excused: Swanson.
Total 1

Absent or not voting: Hansen, McChesney, McNally.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 262 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 72

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Hale, Hansen, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, McNutt, More, O'Neil, Randall, Skattum, Skees, C. Smith, Taylor, Vance, Wagner.
Total 27

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HB 285 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 60

Nays: Barrett, Belcourt, B. Bennett, Boland, Burnett, Cook, Court, Driscoll, Ehli, Furey, Gibson, Greef, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Williams, Wilmer, Yates.

Total 39

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HB 370 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Flynn, Furey, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kary, Kennedy, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, Squires, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 65

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Edmunds, Esp, Fitzpatrick, Gibson, Hale, Hansen, Hollandsworth, Howard, Ingraham, Kerns, Knox, Knudsen, McNiven, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, F. Smith, Stahl, Taylor, Vance, Warburton.

Total 34

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HB 387 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Swanson.

Total 1

Absent or not voting: Hoven.

Total 1

HB 428 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Blasdel, Edmunds, Esp, Hale, Kerns, Miller, O'Neil, Skattum, Skees, Wagner.

Total 10

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

SB 63 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Esp, Hale, More.

Total 3

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

SB 78 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Hale, Hendrick, Kennedy, Kerns, Knox, More, Skattum, Skees, Wagner.

Total 9

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

Excused: Swanson.

Total 1

Absent or not voting: Lavin.

Total 1

SB 31 concurred in as follows:

Yeas: Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Flynn, Furey, Gibson, Greef, Hansen, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Taylor, Warburton, Williams, Wilmer, Mr. Speaker.

Total 66

Nays: Ankney, B. Beck, Berry, Cuffe, Edmunds, Esp, Fitzpatrick, Hale, Harris, Hollandsworth, Howard, Kennedy, Kerns, Knox, Lavin, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Salomon, C. Smith, Vance, Wagner, Washburn, Welborn, Yates.

Total 32

Excused: Swanson.

Total 1

Absent or not voting: Hands.

Total 1

MOTIONS

Representative McGillvray moved **HB 582** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative Barrett moved to reconsider action taken on **HB 189**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Connell, Cook, Court, Cuffe, Driscoll, Esp, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kary, Klock, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 59

HOUSE JOURNAL
FORTY-NINTH LEGISLATIVE DAY - MARCH 4, 2011

Nays: B. Beck, Blyton, Brodehl, Burnett, Clark, Edmunds, Ehli, Evans, Flynn, Greef, Hale, Hansen, Harris, Hoven, Howard, Ingraham, Kennedy, Kerns, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Neil, Peterson, Randall, Read, Rosendale, Salomon, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Welborn.
Total 40

Excused: Swanson.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 7:45 a.m., Saturday, March 5, 2011. Motion carried.

House adjourned at 2:37 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FIFTIETH LEGISLATIVE DAY**

Helena, Montana
March 5, 2011

House Chambers
State Capitol

House convened at 7:45 a.m. Mr. Speaker in the Chair. Invocation by Representative O'Neil.
Pledge of Allegiance to the Flag. Roll Call.

All members present, except Representatives Driscoll, More, and Swanson, excused.
Representative Small, absent. Quorum present.

BILLS (O'Hara, Chairman): 3/5/2011

Correctly printed: **SB 69**.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Ingraham, Chairman): 3/4/2011
SB 69, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

3/4/2011

HB 19, introduced by Sands

Senate bills passed and transmitted to the House for concurrence: 3/4/2011

SB 244, introduced by Lake

SB 266, introduced by Olson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 1, introduced by Tutvedt, referred to Taxation.

SB 15, introduced by Jent (by request of the Law and Justice Interim Committee), referred to Judiciary.

SB 42, introduced by Shockley (by request of the Law and Justice Interim Committee), referred to Judiciary.

SB 54, introduced by Balyeat (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

SB 89, introduced by Wittich, referred to Natural Resources.

SB 134, introduced by Olson, Berry, referred to Fish, Wildlife and Parks.

SB 184, introduced by Van Dyk, Balyeat, referred to Fish, Wildlife and Parks.

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2011

SB 219, introduced by Branae, MacDonald, Brown, Van Dyk, Arntzen, Moss, Gillan, McNiven, referred to Taxation.

SB 229, introduced by Sonju, Augare, Salomon, referred to State Administration.

SB 244, introduced by Lake, referred to Education.

SB 266, introduced by Olson, Berry, referred to Taxation.

SB 267, introduced by Vincent, referred to Natural Resources.

SB 283, introduced by Essmann, referred to Local Government.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 372 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: F. Smith.

Total 1

Excused: Driscoll, More, Swanson.

Total 3

Absent or not voting: Small.

Total 1

HB 449 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Williams,

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2011

Wilmer, Yates, Mr. Speaker.

Total 87

Nays: Burnett, Hale, Kary, Kerns, Randall, Rosendale, Skattum, Wagner, Welborn.

Total 9

Excused: Driscoll, More, Swanson.

Total 3

Absent or not voting: Small.

Total 1

HB 460 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: None.

Total 0

Excused: Driscoll, More, Swanson.

Total 3

Absent or not voting: Small.

Total 1

SB 19 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires,

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2011

Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: None.
Total 0

Excused: Driscoll, More, Swanson.
Total 3

Absent or not voting: Bangerter.
Total 1

SB 21 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: None.
Total 0

Excused: Driscoll, More, Swanson.
Total 3

Absent or not voting: None.
Total 0

SB 27 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Boland, Clark, Connell, Court, Cuffe, Evans, Furey, Greef, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kennedy, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Warburton, Williams, Wilmer, Yates.
Total 52

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2011

Nays: B. Beck, G. Bennett, Blyton, Brodehl, Burnett, Cook, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Hale, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, McNutt, Miller, Noonan, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Washburn, Welborn, Mr. Speaker.

Total 45

Excused: Driscoll, More, Swanson.

Total 3

Absent or not voting: None.

Total 0

HB 195 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

Nays: G. Bennett, Court, Esp, Hale, Kennedy, Kerns, Miller, Reinhart, Skattum, Small, Wagner.

Total 11

Excused: Driscoll, More, Swanson.

Total 3

Absent or not voting: Phillips.

Total 1

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 2:00 p.m., Monday, March 7, 2011.
Motion carried.

House adjourned at 7:57 a.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FIFTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 7, 2011

House Chambers
State Capitol

House convened at 1:53 p.m. Mr. Speaker in the Chair. Invocation by Representative Edmunds. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Evans, Swanson, and K. Williams, excused. Quorum present.

BILLS (O'Hara, Chairman): 3/7/2011

Correctly printed: **HB 568**.

Correctly enrolled: **HB 44, HB 57, HB 84, HJR 4, HJR 5**.

Delivered to the Governor for approval at 1:55 p.m., March 7, 2011: **HB 74, HB 204, HB 208, HB 294**.

Representative Taylor introduced pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman): 3/7/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 12:00 p.m., Saturday, March 5, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Toriah Baker, Great Falls
	Andrew Helming, Butte
	Tori Nickol, Helena
	Tessa Kilsdonk, Baker
	Jacy O'Neil, Plentywood
	Claire Garman, Townsend
	Amanda Tharp, Sunburst
	Mary Sue Gerst, Basin

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, March 7, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Conner Menahan, Colstrip
	Kate Jones, Red Lodge
	Ann-Kristin Woestmann, Herne Germany
	Jack Clark, Choteau

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 7, 2011

Kristin Schalk, Deer Lodge
Quincy Riordan, Butte
Michael Coulimore, Bridger

Report Adopted.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Hendrick, Chairman): 3/4/2011
HB 568, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 3/5/2011

SB 296, introduced by Tutvedt
SB 379, introduced by Olson

House bills concurred in and returned to the House: 3/5/2011

HB 44, introduced by Hoven
HB 57, introduced by Hiner
HB 84, introduced by Boland

House joint resolutions concurred in and returned to the House: 3/5/2011

HJR 4, introduced by K. Peterson
HJR 5, introduced by Regier

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 284, introduced by Blewett, Van Dyk, referred to Human Services.
SB 306, introduced by Murphy, Vincent, G. Bennett, Olson, Keane, Brown, Buttrey, Yates, Hale, referred to Natural Resources.
SB 324, introduced by Balyeat, Burnett, Olson, Arthun, Wittich, Brenden, Vincent, Jackson, Jones, Buttrey, Murphy, Berry, Shockley, Ripley, Steinbeisser, O'Neil, Priest, Kerns, Mowbray, Ankney, Blasdel, Essmann, G. Bennett, Brown, Zinke, C. Smith, Knox, Moore, Vance, Tutvedt, Warburton, Lake, Kennedy, Brodehl, referred to Judiciary.
SB 327, introduced by Larsen, referred to Natural Resources.
SB 330, introduced by Walker, referred to Federal Relations, Energy, and Telecommunications.
SB 341, introduced by Moore, referred to Business and Labor.
SB 351, introduced by Ripley, Wanzonried, O'Hara, Facey, Caferro, Milburn, J. Peterson, Tropila, Kaufmann, Windy Boy, Jones, Lewis, Flynn, Stahl, Klock, referred to Business and Labor.

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 7, 2011

SB 356, introduced by Hamlett, referred to Natural Resources.
SB 357, introduced by Hamlett, Ripley, referred to Local Government.
SB 361, introduced by Ripley, Klock, Zinke, Buttrey, Olson, referred to Business and Labor.
SB 366, introduced by Vincent, referred to Human Services.
SB 370, introduced by Priest, referred to Human Services.
SB 374, introduced by Olson, referred to State Administration.
SB 384, introduced by Van Dyk, referred to Agriculture.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 12, introduced by Walker, Ripley, Jones, Zinke, Ankney, McChesney, Hinkle, Olson, Vincent, Brodehl, Arthun, referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Menahan in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 286 - Representative McGillvray moved consideration of **HB 286** be passed for the day. Motion carried.

HB 182 - Senate Amendments - Representative Arntzen moved Senate amendments to **HB 182** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Burnett, McGillvray, Miller.

Total 3

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 7, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 333 - Representative Reichner moved **HB 333** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 357 - Representative MacLaren moved **HB 357** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hale, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 7, 2011

Excused: None.

Total 0

Absent or not voting: Noonan.

Total 1

HB 299 - Representative Hansen moved **HB 299** do pass.

HB 299 - Representative Ankney moved for cloture.

HB 299 - Representative Hansen moved **HB 299** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Court, Edmunds, Evans, Fitzpatrick, Flynn, Furey, Greef, Hands, Hansen, Harris, Hoven, Howard, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Salomon, Sands, Schmidt, C. Smith, Stahl, Swanson, Taylor, Warburton, Williams, Wilmer, Mr. Speaker.

Total 57

Nays: Ankney, Belcourt, G. Bennett, Blasdel, Burnett, Cook, Cuffe, Driscoll, Ehli, Esp, Gibson, Hale, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Malek, McNutt, Mehlhoff, Menahan, Miller, Pease-Lopez, Randall, Roberts, Rosendale, Sesso, Skattum, Skees, Small, F. Smith, Squires, Vance, Wagner, Washburn, Welborn, Yates.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 529 - Representative Stahl moved **HB 529** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 7, 2011

Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Malek.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 19 - Senate Amendments - Representative Sands moved Senate amendments to **HB 19** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Harris, Miller, Regier.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Menahan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNiven, McNutt,

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 7, 2011

Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Belcourt, B. Bennett, Boland, McNally, Phillips, Sesso, Squires, Welborn.

Total 8

Excused: Swanson.

Total 1

Absent or not voting: Ankney, MacLaren, Peterson.

Total 3

MOTIONS

Representative McGillvray moved **HB 357** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 299** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Tuesday, March 8, 2011. Motion carried.

House adjourned at 3:12 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FIFTY-SECOND LEGISLATIVE DAY**

Helena, Montana
March 8, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative McNiven. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Swanson, excused. Quorum present.

BILLS (O'Hara, Chairman): 3/8/2011

Correctly printed: **SB 32, SB 49, SB 64, SB 73, SB 165, SB 203, SB 211, SB 242, SB 256, SB 258, SB 289.**

Correctly engrossed: **HB 2, SB 28.**

Signed by the Chief Clerk of the House at 3:35 p.m., March 8, 2011: **HB 44, HB 57, HB 84, HJR 4, HJR 5.**

Examined by the sponsor and found to be correct: **HB 44, HB 57, HB 84, HJR 4, HJR 5.**

Representative Furey rose on a point of personal privilege to recognize the 100th Anniversary of the International Women's Day.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman): 3/8/2011
HB 2, introduced bill, be amended as follows:

1. Page BP-1, line 9.

Following: line 8

Strike: everything after the enacting clause

Insert: the attached

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Arntzen, Chairman): 3/8/2011

SB 32, be concurred in. Report adopted.

SB 64, be concurred in. Report adopted.

SB 165, be concurred in. Report adopted.

SB 203, be concurred in. Report adopted.

SB 242, be concurred in. Report adopted.

SB 256, be concurred in. Report adopted.

SB 289, be concurred in. Report adopted.

HOUSE JOURNAL
FIFTY-SECOND LEGISLATIVE DAY - MARCH 8, 2011

HUMAN SERVICES (Howard, Chairman):
SB 28, be amended as follows:

3/7/2011

1. Page 2, line 11.

Following: "2009,"

Insert: "by August 1, 2011,"

And, as amended, be concurred in. Report adopted.

SB 73, be concurred in. Report adopted.

TRANSPORTATION (Vance, Chairman):

3/7/2011

SB 49, be concurred in. Report adopted.

SB 211, be concurred in. Report adopted.

SB 258, be concurred in. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 603, introduced by Blasdel, Hansen, Knox, Stahl, Osmundson, Essmann, Stewart-Peregoy, Taylor, C. Smith, Rosendale, McGillvray, Evans, Windy Boy, Randall, McNiven, Priest, referred to Education.

HB 604, introduced by Cook, referred to Appropriations.

The following Senate bills were introduced, read first time, and referred to committees:

SB 296, introduced by Tutvedt, referred to Agriculture.

SB 379, introduced by Olson, referred to Local Government.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Skattum in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 46 - Representative Stahl moved **SB 46** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen,

HOUSE JOURNAL
FIFTY-SECOND LEGISLATIVE DAY - MARCH 8, 2011

Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Swanson, Williams.

Total 2

Absent or not voting: None.

Total 0

SB 16 - Representative Small moved **SB 16** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 75

Nays: Bangerter, G. Bennett, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Esp, Fitzpatrick, Hale, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, More, O'Neil, Osmundson, Read, C. Smith.

Total 23

Excused: Swanson, Williams.

Total 2

Absent or not voting: None.

Total 0

SB 26 - Representative Regier moved **SB 26** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll,

HOUSE JOURNAL
FIFTY-SECOND LEGISLATIVE DAY - MARCH 8, 2011

Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Hale.

Total 1

Excused: Swanson, Williams.

Total 2

Absent or not voting: None.

Total 0

SB 41 - Representative K. Peterson moved **SB 41** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Washburn, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Fitzpatrick, Hale, Knox, Miller, More, Roberts, Wagner, Warburton, Welborn.

Total 9

Excused: Swanson, Williams.

Total 2

Absent or not voting: None.

Total 0

SB 51 - Representative Stahl moved **SB 51** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll,

HOUSE JOURNAL
FIFTY-SECOND LEGISLATIVE DAY - MARCH 8, 2011

Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Swanson, Williams.

Total 2

Absent or not voting: None.

Total 0

SB 53 - Representative Hendrick moved **SB 53** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Swanson, Williams.

Total 2

Absent or not voting: None.

Total 0

SB 60 - Representative O'Hara moved **SB 60** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,

HOUSE JOURNAL
FIFTY-SECOND LEGISLATIVE DAY - MARCH 8, 2011

Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Swanson, Williams.

Total 2

Absent or not voting: None.

Total 0

SB 62 - Representative Driscoll moved **SB 62** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Salomon.

Total 1

Excused: Swanson, Williams.

Total 2

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FIFTY-SECOND LEGISLATIVE DAY - MARCH 8, 2011

SB 65 - Representative Regier moved **SR 65** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: Hands.
Total 1

Excused: Swanson, Williams.
Total 2

Absent or not voting: None.
Total 0

SB 36 - Representative K. Peterson moved **SR 36** be concurred in.

SB 36 - Representative McNutt moved **SB 36**, second reading copy, be amended as follows:

1. Title, page 1, line 8.
Strike: "ALLOWING"
Insert: "PROHIBITING"

2. Page 1, line 18.
Following: "~~NOT~~"
Insert: "not"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Clark, Cook, Court, Cuffe, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Randall, Read, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, C. Smith, F. Smith, Squires, Stahl, Washburn, Welborn, Yates, Mr. Speaker.
Total 63

HOUSE JOURNAL
FIFTY-SECOND LEGISLATIVE DAY - MARCH 8, 2011

Nays: Bangerter, Blyton, Brodehl, Burnett, Connell, Driscoll, Edmunds, Evans, Greef, Hale, Hansen, Harris, Hoven, Howard, Kennedy, Kerns, Knox, Knudsen, MacDonald, McNiven, More, O'Hara, Osmundson, Peterson, Regier, Reichner, Salomon, Skattum, Skees, Small, Taylor, Vance, Wagner, Warburton, Wilmer.

Total 35

Excused: Swanson, Williams.

Total 2

Absent or not voting: None.

Total 0

SB 36 - Representative K. Peterson moved **SB 36**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Kary, Klock, Lavin, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Warburton, Washburn, Welborn.

Total 57

Nays: Bangerter, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Evans, Greef, Hale, Hansen, Harris, Hoven, Howard, Kennedy, Kerns, Knox, Knudsen, Loney, MacDonald, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Wilmer, Yates, Mr. Speaker.

Total 41

Excused: Swanson, Williams.

Total 2

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Skattum moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller,

HOUSE JOURNAL
FIFTY-SECOND LEGISLATIVE DAY - MARCH 8, 2011

More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Swanson, Williams.

Total 2

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 19 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Harris, Kerns, Miller, Regier.

Total 4

Excused: Swanson, Williams.

Total 2

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FIFTY-SECOND LEGISLATIVE DAY - MARCH 8, 2011

HB 182 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 86

Nays: Burnett, Edmunds, Esp, Hale, Kennedy, Kerns, Knox, McGillvray, Miller, Skattum, C. Smith.

Total 11

Excused: Swanson, Williams.

Total 2

Absent or not voting: Cuffe.

Total 1

HB 333 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 71

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Wilmer.

Total 27

Excused: Swanson, Williams.

Total 2

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FIFTY-SECOND LEGISLATIVE DAY - MARCH 8, 2011

HB 529 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: None.
Total 0

Excused: Swanson, Williams.
Total 2

Absent or not voting: None.
Total 0

MOTIONS

Representative McGillvray moved **SB 16** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved to suspend the rules and accept **SB 303**, which had missed the deadline for transmittal of general bills.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith,

HOUSE JOURNAL
FIFTY-SECOND LEGISLATIVE DAY - MARCH 8, 2011

Squires, Wilmer.
Total 31

Excused: Swanson, Williams.
Total 2

Absent or not voting: Howard.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Wednesday, March 9, 2011. Motion carried.

House adjourned at 2:31 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FIFTY-THIRD LEGISLATIVE DAY**

Helena, Montana
March 9, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Ankney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Swanson, excused. Quorum present.

BILLS (O'Hara, Chairman):

3/9/2011

Correctly printed: **HB 386, HB 463, HB 467, SB 11, SB 12, SB 335, SJR 9.**

Correctly enrolled: **HB 19, HB 38, HB 39, HB 76, HB 97, HB 101, HB 182.**

Examined by the sponsor and found to be correct: **HB 19, HB 38, HB 39, HB 97, HB 101, HB 182.**

Signed by the Speaker at 2:15 p.m., March 9, 2011: **HB 44, HB 57, HB 84, HJR 4, HJR 5.**

Signed by the President at 4:35 p.m., March 9, 2011: **HB 44, HB 57, HB 84, HJR 4, HJR 5.**

Representative Mehlhoff rose on a point of personal privilege to congratulate the University of Montana's basketball team on their win the previous night.

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, and forty-fifth legislative days, find the same to be correct.

Representative O'Hara, Chair

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):

3/8/2011

HB 386, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

3/8/2011

SB 335, be concurred in. Report adopted.

SJR 9, be concurred in. Report adopted.

TAXATION (Blasdel, Chairman):

3/4/2011

HB 463, do pass. Report adopted.

HB 467, do pass. Report adopted.

SB 11, be concurred in. Report adopted.

SB 12, be concurred in. Report adopted.

HOUSE JOURNAL
FIFTY-THIRD LEGISLATIVE DAY - MARCH 9, 2011

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/8/2011

HB 38, introduced by Boland
HB 39, introduced by Hollenbaugh
HB 76, introduced by Mehlhoff
HB 97, introduced by Menahan
HB 101, introduced by MacDonald

Senate bill passed and transmitted to the House for concurrence: 3/8/2011

SB 261, introduced by Essmann

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 26 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

SB 36 failed as follows:

Yeas: Belcourt, G. Bennett, Berry, Clark, Connell, Cook, Ehli, Esp, Fitzpatrick, Flynn, Gibson,

HOUSE JOURNAL
FIFTY-THIRD LEGISLATIVE DAY - MARCH 9, 2011

Hiner, Hollandsworth, Klock, Lavin, MacLaren, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Pease-Lopez, Phillips, Sands, Schmidt, Squires, Warburton, Washburn, Welborn.

Total 30

Nays: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Court, Cuffe, Driscoll, Edmunds, Evans, Furey, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, MacDonald, Malek, McGillvray, McNiven, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Williams, Wilmer, Yates, Mr. Speaker.

Total 68

Excused: Swanson.

Total 1

Absent or not voting: Ankney.

Total 1

SB 41 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: Fitzpatrick, Hale, Miller, More, O'Neil, Skattum, Wagner, Welborn.

Total 8

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

SB 46 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,

HOUSE JOURNAL
FIFTY-THIRD LEGISLATIVE DAY - MARCH 9, 2011

Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Swanson.

Total 1

Absent or not voting: McNiven.

Total 1

SB 51 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Swanson.

Total 1

Absent or not voting: Hoven.

Total 1

HOUSE JOURNAL
FIFTY-THIRD LEGISLATIVE DAY - MARCH 9, 2011

SB 53 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Swanson.

Total 1

Absent or not voting: McClafferty.

Total 1

SB 60 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FIFTY-THIRD LEGISLATIVE DAY - MARCH 9, 2011

SB 62 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

SB 65 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FIFTY-THIRD LEGISLATIVE DAY - MARCH 9, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Noonan in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 67 - Representative Driscoll moved consideration of **SB 67** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 72 - Representative MacDonald moved **SB 72** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blyton, Boland, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Flynn, Furey, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 73

Nays: Belcourt, Blasdel, Brodehl, Burnett, Cook, Fitzpatrick, Gibson, Greef, Hale, Hansen, Hendrick, Kennedy, MacLaren, Mehlhoff, Miller, More, O'Neil, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Vance, Warburton, Washburn.

Total 26

Excused: None.

Total 0

Absent or not voting: Esp.

Total 1

Representative Schmidt rose on a point of personal privilege on behalf of the Democratic Women would like to share her disappointment about remarks made the day before which suggesting that Montana's Women are comparable to cows. She stated that it was offensive and unacceptable and that there needed to be an apology.

HB 568 - Representative Wagner moved **HB 568** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale,

HOUSE JOURNAL
FIFTY-THIRD LEGISLATIVE DAY - MARCH 9, 2011

Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 68

Nays: Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 95 - Representative Ingraham moved **SB 95** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hands.
Total 1

SB 69 - Representative O'Hara moved **SB 69** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Court,

HOUSE JOURNAL
FIFTY-THIRD LEGISLATIVE DAY - MARCH 9, 2011

Cuffe, Driscoll, Evans, Fitzpatrick, Furey, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Williams, Wilmer.

Total 53

Nays: Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cook, Edmunds, Ehli, Esp, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 152 - Representative C. Smith moved **SB 152** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: G. Bennett, Esp, Hale, Hendrick, Kennedy, Kerns, Knox, Miller, Skattum, Wagner.

Total 10

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

SB 186 - Representative Berry moved **SB 186** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,

HOUSE JOURNAL
FIFTY-THIRD LEGISLATIVE DAY - MARCH 9, 2011

Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Hale, Hendrick, Miller.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 64 - Representative Reichner moved **SB 64** be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 84

Nays: G. Bennett, Cuffe, Hale, Hansen, Kennedy, McGillvray, More, Osmundson, Read, Rosendale, Small, C. Smith, Vance, Yates.

Total 14

Excused: None.

Total 0

Absent or not voting: Ankney, Squires.

Total 2

HOUSE JOURNAL
FIFTY-THIRD LEGISLATIVE DAY - MARCH 9, 2011

SB 73 - Representative Fitzpatrick moved **SB 73** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 76

Nays: G. Bennett, Berry, Blasdel, Burnett, Cuffe, Edmunds, Evans, Hansen, Hendrick, Kennedy, Kerns, Knox, McGillvray, More, O'Neil, Osmundson, Regier, Reichner, Skattum, Skees, C. Smith, Vance, Wagner.
Total 23

Excused: None.
Total 0

Absent or not voting: Driscoll.
Total 1

SB 165 - Representative C. Smith moved **SB 165** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 93

Nays: Boland, Hands, MacDonald, Malek, Price, Sands, Swanson.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
FIFTY-THIRD LEGISLATIVE DAY - MARCH 9, 2011

SB 67 - Representative Driscoll moved **SB 67** be concurred in.

SB 67 - Representative Gibson moved **SB 67**, second reading copy, be amended as follows:

1. Title, line 8.

Strike: "THROUGH 2013"

Insert: "AND 2012"

2. Page 1, line 29.

Strike: "THROUGH 2013"

Insert: "and 2012"

3. Page 2, line 1.

Strike: "THROUGH 2013"

Insert: "and 2012"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Bangerter, More, Peterson.

Total 3

Excused: Swanson.

Total 1

Absent or not voting: Stahl.

Total 1

SB 67 - Representative Driscoll moved **SB 67**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll,

HOUSE JOURNAL
FIFTY-THIRD LEGISLATIVE DAY - MARCH 9, 2011

Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Hale, McClafferty, Miller, Noonan, Stahl.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Noonan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: B. Bennett, Hill.

Total 2

Excused: Swanson.

Total 1

Absent or not voting: Gibson, Miller, Welborn.

Total 3

HOUSE JOURNAL
FIFTY-THIRD LEGISLATIVE DAY - MARCH 9, 2011

SPECIAL ORDERS OF THE DAY

Chief Clerk Cargo directed the member's attention to a proclamation declaring Wednesday, March 9th, 2011, Registered Dietician's Day.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Thursday, March 10, 2011. Motion carried.

House adjourned at 2:31 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FIFTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
March 10, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Warburton. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Swanson, excused. Quorum present.

BILLS (O'Hara, Chairman): 3/10/2011

Correctly printed: **SB 7, SB 30, SB 38, SB 47, SB 103, SB 125, SB 166, SB 176, SB 189, SB 205, SB 285.**

Correctly engrossed: **HB 533, HB 567, HJR 8.**

Correctly enrolled: **HB 17, HB 58, HB 114, HB 156, HB 210, HB 263, HB 359.**

Examined by the sponsor and found to be correct: **HB 76, HB 263, HB 359.**

Signed by the Speaker at 9:15 a.m., March 10, 2011: **HB 19, HB 38, HB 39, HB 97, HB 101, HB 182.**

Signed by the Chief Clerk of the House at 8:30 a.m., March 10, 2011: **HB 19, HB 38, HB 39, HB 97, HB 101, HB 182.**

Signed by the Chief Clerk of the House at 3:15 p.m., March 10, 2011: **HB 76.**

Delivered to the Governor for approval at 10:20 a.m., March 10, 2011: **HB 44, HB 57, HB 84.**

Delivered to the Secretary of State at 10:38 a.m., March 10, 2011: **HJR 4, HJR 5.**

Delivered to the Governor for approval at 4:12 p.m., March 10, 2011: **HB 19, HB 38, HB 39, HB 97, HB 101, HB 182.**

REPORTS OF STANDING COMMITTEES

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 3/9/2011
SB 7, be concurred in. Report adopted.
SB 205, be concurred in. Report adopted.
SB 285, be concurred in. Report adopted.

HUMAN SERVICES (Howard, Chairman): 3/9/2011
HJR 8, introduced joint resolution, be amended as follows:

1. Page 2, line 28.

Following: "low-income children,"

Insert: "tribal representatives,"

And, as amended, do pass. Report adopted.

SB 125, be concurred in. Report adopted.

SB 176, be concurred in. Report adopted.

HOUSE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

SB 189, be concurred in. Report adopted.

NATURAL RESOURCES (Hendrick, Chairman):
HB 533, introduced bill, be amended as follows:

3/9/2011

1. Page 3, line 5.

Strike: "are included" through "coal and"

Following: "affected"

Strike: "and"

Insert: "or"

And, as amended, do pass. Report adopted.

SB 30, be concurred in. Report adopted.

SB 38, be concurred in. Report adopted.

SB 47, be concurred in. Report adopted.

SB 103, be concurred in. Report adopted.

TAXATION (Blasdel, Chairman):

3/10/2011

HB 567, introduced bill, be amended as follows:

1. Page 3, line 2.

Following: "made"

Insert: "and in the subsequent tax years before the effective date of the next revaluation"

And, as amended, do pass. Report adopted.

SB 166, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/9/2011

HB 17, introduced by Hollandsworth

HB 58, introduced by Belcourt

HB 114, introduced by O'Hara

HB 156, introduced by F. Smith

HB 210, introduced by McChesney

HB 263, introduced by Vance

HB 359, introduced by Vance

HOUSE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 605, introduced by Burnett, Hiner, referred to Appropriations.

HB 606, introduced by Stahl, referred to Appropriations.

HB 607, introduced by Welborn, Flynn, Rosendale, referred to Fish, Wildlife and Parks.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 22, introduced by O'Neil, referred to State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

SB 261, introduced by Essmann, C. Williams, McGillvray, Sesso, referred to Taxation.

SB 303, introduced by Brenden, Ripley, Arthun, Jones, Berry, J. Peterson, Walker, Murphy, Lewis, Steinbeisser, Hutton, Olson, Hinkle, Keane, Vincent, De. Barrett, Moore, Jackson, Tutvedt, Priest, referred to Local Government.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 67 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 94

Nays: Hale, McClafferty, Miller, Stahl.

Total 4

Excused: Swanson.

Total 1

Absent or not voting: Wilmer.

Total 1

HOUSE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

HB 568 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.

Total 32

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

SB 64 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 83

Nays: G. Bennett, Blasdel, Hale, Hansen, Hendrick, Kennedy, McGillvray, More, Osmundson, Rosendale, Skattum, Skees, Small, C. Smith, Vance, Yates.

Total 16

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

SB 69 concurred in as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Boland, Clark, Connell, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Warburton, Williams, Wilmer.

Total 50

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Cook, Edmunds, Esp, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.

Total 49

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

SB 72 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Taylor, Wagner, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: Blasdel, Brodehl, Cook, Fitzpatrick, Gibson, Greef, Hale, Hansen, Hendrick, Lavin, Mehlhoff, Miller, More, O'Neil, Rosendale, Salomon, Skattum, Skees, C. Smith, Vance, Warburton, Washburn.

Total 22

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

SB 73 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Taylor, Warburton, Williams, Wilmer, Yates, Mr. Speaker.

Total 74

Nays: Berry, Blasdel, Burnett, Cuffe, Edmunds, Evans, Flynn, Harris, Hendrick, Kennedy, Kerns, Knox, McGillvray, More, O'Neil, Osmundson, Regier, Reichner, Skattum, Skees, C. Smith, Vance, Wagner, Washburn, Welborn.

Total 25

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

SB 95 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Cook, Fitzpatrick.

Total 2

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

SB 152 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: G. Bennett, Cuffe, Esp, Hale, Kennedy, Kerns, Knox, Miller, Skattum, Wagner.

Total 10

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

SB 165 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: B. Bennett, Hands, MacDonald, Pease-Lopez, Sands.

Total 5

Excused: Swanson.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

SB 186 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 95

Nays: Esp, Hale, Miller, Wagner.
Total 4

Excused: Swanson.
Total 1

Absent or not voting: None.
Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Clark in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 189 - Representative Di. Barrett moved consideration of **HB 189** be passed for the day. Motion carried.

SB 203 - Representative McGillvray moved consideration of **SB 203** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 463 - Representative Reichner moved **HB 463** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts,

HOUSE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 33

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 467 - Representative Brodehl moved **HB 467** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

Nays: Burnett, Edmunds, Hale, Kerns, Knox, McGillvray, More, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 9 - Representative Read moved **SJR 9** be concurred in.

Representative McChesney rose on a point of personal privilege to state that he found Representative Kern's comments offensive and rude and totally unnecessary.

HOUSE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

Representative Harris rose on a point of personal privilege to state that when he stands up to talk about his patriotism, his love for his country and his constitution he doesn't want to be called names and he doesn't think it's fair.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Esp, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 289 - Representative Hunter moved **SB 289** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Bangerter, Esp, Hale, Hendrick, McGillvray, Peterson, Reichner, Skattum, Small, C. Smith.

Total 10

Excused: None.

Total 0

HOUSE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

Absent or not voting: Stahl.

Total 1

SB 211 - Representative Berry moved **SB 211** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.

Total 95

Nays: Hendrick, Miller, Peterson, Welborn, Yates.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 256 - Representative Rosendale moved **SB 256** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

HOUSE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

Absent or not voting: None.

Total 0

SB 258 - Representative Vance moved **SB 258** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 81

Nays: G. Bennett, Cuffe, Edmunds, Esp, Evans, Flynn, Gibson, Hale, Hoven, Kerns, Knox, Knudsen, Miller, More, O'Neil, Randall, Skattum, Wagner, Warburton.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 335 - Representative Bangerter moved **SB 335** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Cuffe, Fitzpatrick, Hale, Small, Welborn.

Total 5

Excused: None.

Total 0

HOUSE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

Absent or not voting: None.

Total 0

SB 203 - Representative Ankney moved **SB 203** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Bangerter, G. Bennett, Cook, Esp, Harris, Hendrick, McGillvray, McNiven, Peterson, Reichner, Skattum, C. Smith.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Clark moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 82

Nays: B. Bennett, Cook, Court, Gibson, Hands, Hill, MacDonald, Malek, Phillips, Price, Reinhart, Sands, Schmidt, Squires, Williams.

Total 15

HOUSE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

Excused: Swanson.

Total 1

Absent or not voting: Sesso, Skees.

Total 2

MOTIONS

Representative Hands moved that **HB 281** be taken from Judiciary and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Ehli, Furey, Gibson, Hands, Harris, Hill, Hiner, Hollenbaugh, Hunter, Ingraham, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer, Yates.

Total 44

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, McNutt, Menahan,

Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 53

Excused: Swanson.

Total 1

Absent or not voting: Skees, Small.

Total 2

Representative Esp moved to reconsider action taken on **SB 36**. Motion carried.

Representative Esp moved to remove **SB 36** from Third Reading on March 11, 2011 and place on Second Reading. Motion carried.

Representative McGillvray moved **HB 463** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

HOUSE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Friday, March 11, 2011. Motion carried.

House adjourned at 2:52 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FIFTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
March 11, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rabbi Ed Stafman. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Mehlhoff and Swanson, excused. Quorum present.

BILLS (O'Hara, Chairman):

3/11/2011

Correctly printed: **HB 458, SB 34, SB 54, SB 92, SB 99, SB 106, SB 128, SB 201, SB 247, SB 290, SB 294, SB 304, SB 342, SB 361.**

Correctly engrossed: **SB 52, SB 120, SB 138, SB 146, SB 279.**

Correctly enrolled: **HB 24, HB 65, HB 96, HB 268, HB 307.**

Examined by the sponsor and found to be correct: **HB 17, HB 24, HB 58, HB 65, HB 96, HB 114, HB 156, HB 210, HB 268, HB 307.**

Signed by the Speaker at 2:45 p.m., March 11, 2011: **HB 76.**

Signed by the Speaker at 3:45 p.m., March 11, 2011: **HB 17, HB 58, HB 114, HB 156, HB 210, HB 263, HB 359.**

Signed by the Speaker at 6:00 p.m., March 11, 2011: **HB 24, HB 65, HB 96, HB 268, HB 307.**

Signed by the Chief Clerk of the House at 5:00 p.m., March 11, 2011: **HB 24, HB 65, HB 96, HB 268, HB 307.**

Signed by the Chief Clerk of the House at 2:00 p.m., March 11, 2011: **HB 17, HB 58, HB 114, HB 156, HB 210, HB 263, HB 359.**

Delivered to the Governor for approval at 4:31 p.m., March 11, 2011: **HB 76.**

Representative Skees rose on a point of personal privilege to ask that the House have a moment of silence for the people in Japan who have recently suffered a horrendous earthquake. The House of Representatives had a moment of silence.

Representative McGillvray moved that the House Republicans caucus.

Representative Sesso moved that the House Democrats stand at ease.

House Recessed.

House Reconvened.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman):

3/10/2011

HB 458, do pass. Report adopted.

SB 201, be concurred in. Report adopted.

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HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

SB 290, be concurred in. Report adopted.

SB 294, be concurred in. Report adopted.

SB 342, be concurred in. Report adopted.

SB 361, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman):

3/10/2011

SB 92, be concurred in. Report adopted.

SB 99, be concurred in. Report adopted.

JUDICIARY (Peterson, Chairman):

3/10/2011

SB 106, be concurred in. Report adopted.

SB 279, be amended as follows:

1. Title, line 9.

Following: "PERMIT;"

Insert: "PROVIDING THAT A LOCAL ORDINANCE MAY NOT PROHIBIT LEGISLATIVE SECURITY STAFF WITH A CONCEALED WEAPON PERMIT FROM CARRYING A CONCEALED WEAPON IN THE STATE CAPITOL;"

Strike: "SECTION"

Insert: "SECTIONS"

2. Title, line 10.

Following: "45-8-317"

Insert: "AND 45-8-351"

3. Page 2, line 2.

Following: line 1

Insert: "**Section 2.** Section 45-8-351, MCA, is amended to read:

"45-8-351. Restriction on local government regulation of firearms. (1) Except as provided in subsection (2), ~~no~~ a county, city, town, consolidated local government, or other local government unit may not prohibit, register, tax, license, or regulate the purchase, sale or other transfer (including delay in purchase, sale, or other transfer), ownership, possession, transportation, use, or unconcealed carrying of any weapon, including a rifle, shotgun, handgun, or concealed handgun.

(2) (a) For public safety purposes, a city or town may regulate the discharge of rifles, shotguns, and handguns. A county, city, town, consolidated local government, or other local government unit has power to prevent and suppress the carrying of concealed or unconcealed weapons to a public assembly, publicly owned building, park under its jurisdiction, or school, and the possession of firearms by convicted felons, adjudicated mental incompetents, illegal aliens, and minors.

(b) Nothing contained ~~herein shall allow~~ in this section allows any government to prohibit the legitimate display of firearms at shows or other public occasions by collectors and others, ~~nor shall anything contained herein or to~~ prohibit the legitimate transportation of firearms through any jurisdiction, whether in airports or otherwise.

(c) A local ordinance enacted pursuant to this section may not prohibit a legislative security

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

officer who has been issued a concealed weapon permit from carrying a concealed weapon in the state capitol as provided in 45-8-317."

And, as amended, be concurred in. Report adopted.

SB 304, be concurred in. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman):

3/10/2011

SB 128, be concurred in. Report adopted.

SB 146, be amended as follows:

1. Title, page 1, line 4.

Following: "CERTAIN"

Strike: "PRIVATE"

2. Title, page 1, line 8.

Following: "PAYMENT OF A"

Strike: "PRIVATE"

3. Page 1, line 14.

Following: "declares that"

Strike: "private"

4. Page 1, line 17.

Following: "prohibit"

Strike: "private"

5. Page 1, line 21.

Following: "Section 2."

Strike: "Private transfer"

Insert: "Transfer"

Following: "(1) A"

Strike: "private"

6. Page 1, line 22.

Following: "enforce a"

Strike: "private"

Following: "under a"

Strike: "private"

7. Page 2, line 23.

Following: "501(c)(3)"

Insert: ", 501(c)(4), or 528"

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

8. Page 3, line 19.

Following: "applies to"

Strike: "private"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):

3/11/2011

SB 34, be concurred in. Report adopted.

SB 52, be amended as follows:

1. Page 1, line 23.

Following: "investigation."

Insert: "When reporting the results of the background check, the Montana department of justice shall specifically report any previous conviction of the prospective employee for embezzlement or other financial crimes."

And, as amended, be concurred in. Report adopted.

SB 54, be concurred in. Report adopted.

SB 120, be amended as follows:

1. Page 1, line 13.

Strike: "any" through the first "an"

Insert: "the"

Following: "branch"

Insert: "publishes a"

Following: "such as"

Strike: "in"

2. Page 1, line 14 through line 15.

Strike: "executive" on line 14 through "report must" on line 15

Insert: "board, committee, commission, or advisory council shall"

3. Page 1, line 16.

Strike: "executive branch"

4. Page 1, line 17.

Strike: "executive branch"

5. Page 1, line 19.

Strike: "appointment" through "branch"

Insert: "term of each"

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

6. Page 1, line 20.

Strike: "and"

Insert: ", including"

7. Page 1, line 21.

Following: "executive"

Insert: ", legislative, and judicial"

And, as amended, be concurred in. Report adopted.

SB 138, be amended as follows:

1. Page 2.

Following: line 13

Insert: "COORDINATION SECTION. Section 2. Coordination instruction. If both House Bill No. 138 and [this act] are passed and approved, House Bill No. 138 is void."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

SB 247, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/10/2011

HB 24, introduced by McChesney

HB 65, introduced by Menahan

HB 96, introduced by Menahan

HB 268, introduced by Klock

HB 307, introduced by Burnett

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/10/2011

HB 47, introduced by K. Peterson

HB 63, introduced by Noonan

HB 126, introduced by Hansen

HB 187, introduced by Connell

Senate bill passed and transmitted to the House for concurrence:

3/10/2011

SB 207, introduced by Moore

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 207, introduced by Moore, Warburton, Arthun, De. Barrett, Brown, and Steinbeisser, referred to Agriculture.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 467 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 86

Nays: Burnett, Edmunds, Hale, Hoven, Kennedy, Kerns, Knox, McGillvray, More, Schmidt, Wagner.
Total 11

Excused: Mehlhoff, Swanson.
Total 2

Absent or not voting: B. Beck.
Total 1

SB 203 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 86

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Nays: Bangerter, G. Bennett, Berry, Esp, Harris, Hendrick, McGillvray, McNiven, Peterson, Reichner, Skattum, C. Smith.
Total 12

Excused: Mehlhoff, Swanson.
Total 2

Absent or not voting: None.
Total 0

SB 211 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.
Total 88

Nays: Esp, Flynn, Kary, Klock, McGillvray, Miller, Peterson, Welborn, Yates.
Total 9

Excused: Mehlhoff, Swanson.
Total 2

Absent or not voting: Salomon.
Total 1

SB 256 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Nays: None.

Total 0

Excused: Mehlhoff, Swanson.

Total 2

Absent or not voting: None.

Total 0

SB 258 concurred in as follows:

Yeas: Ankney, Arntzen, Bangertner, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Williams, Wilmer, Yates, Mr. Speaker.

Total 75

Nays: G. Bennett, Cuffe, Edmunds, Esp, Evans, Flynn, Gibson, Hale, Kerns, Knox, Knudsen, Loney, Miller, More, O'Neil, Randall, Skattum, Wagner, Warburton, Welborn.

Total 20

Excused: Mehlhoff, Swanson.

Total 2

Absent or not voting: Reichner, Small, Washburn.

Total 3

SB 289 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Nays: Bangerter, G. Bennett, Berry, Esp, Harris, Hendrick, McGillvray, McNiven, Peterson, Reichner, Skattum, Small, C. Smith, Washburn.
Total 14

Excused: Mehlhoff, Swanson.
Total 2

Absent or not voting: None.
Total 0

SB 335 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 93

Nays: Cuffe, Esp, Fitzpatrick, Hale, McGillvray.
Total 5

Excused: Mehlhoff, Swanson.
Total 2

Absent or not voting: None.
Total 0

SJR 9 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Esp, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan,

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.
Total 32

Excused: Mehlhoff, Swanson.
Total 2

Absent or not voting: Miller.
Total 1

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Phillips in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Representative McNutt moved **HB 2** do pass.

HB 2 - Representative Stahl moved **HB 2**, second reading copy, be amended as follows:

1. Page A-1, line 5.

Strike: "6,212,995 7,009,636" [general fund FY 2012 and FY 2013]

Insert: "6,178,413 6,975,054" [general fund FY 2012 and FY 2013]

Strike: "863,099 286,242" [state special fund FY 2012 and FY 2013]

Insert: "855,508 278,651" [state special fund FY 2012 and FY 2013]

2. Page A-1.

Following: line 16

Insert: "Legislative Services includes a personal services reduction of \$34,582 general fund and \$7,591 state special revenue in FY 2012 and \$34,582 general fund and \$7,591 state special revenue in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

3. Page A-1, line 19.

Strike: "1,393,320 1,393,320" [state special fund FY 2012 and FY 2013]

Insert: "1,415,956 1,415,956" [state special fund FY 2012 and FY 2013]

4. Page A-1, line 27.

Strike: "2,414,570 2,411,138" [general fund FY 2012 and FY 2013]

Insert: "2,362,773 2,359,341" [general fund FY 2012 and FY 2013]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

5. Page A-2.

Following: line 25

Insert: "Executive Office Program includes a personal services reduction of \$51,797 general fund in FY 2012 and \$51,797 general fund in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

6. Page A-3, line 10.

Strike: "562,764 564,616" [general fund FY 2012 and FY 2013]

Insert: "549,779 551,631" [general fund FY 2012 and FY 2013]

7. Page A-3, line 18.

Strike: "1,215,825 1,216,860" [state special fund FY12 & FY13]

Insert: "1,014,970 1,016,005" [state special fund FY12 & FY13]

8. Page A-4, following line 11.

Insert: "Central Management includes a reduction in state special revenue fund money of \$200,855 in FY 2012 and a reduction in state special revenue fund money of \$200,855 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

9. Page A-4, line 26.

Strike: "2,231,696 2,236,497" [proprietary FY 12 and FY 13]

Insert: "2,143,271 2,148,072" [proprietary FY 12 and FY 13]

10. Page A-5, line 7.

Strike: "9,852,176 9,862,967" [general fund FY 12 and FY 13]

Insert: "8,207,476 8,218,267" [general fund FY 12 and FY 13]

Strike: "544,724 545,200" [state special fund FY 12 and FY 13]

Insert: "518,197 518,673" [state special fund FY 12 and FY 13]

Strike: "269,210 270,218" [federal special fund FY 12 and FY 13]

Insert: "260,368 261,376" [federal special fund FY 12 and FY 13]

11. Page A-5.

Following: line 18

Insert: "Business and Income Taxes Division includes a reduction in general fund money of \$1,644,700, state special revenue fund money of \$26,527, and federal special revenue fund money of \$8,842 in fiscal 2012 and a reduction in general fund money of \$1,644,700, state special revenue fund money of \$26,527, and federal special revenue fund money of \$8,842 in fiscal 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

12. Page A-6, line 19.

Strike: "419,613 422,431" [general fund FY 12 and FY 13]

Insert: "397,923 400,713" [general fund FY 12 and FY 13]

Strike: "1,523,915 1,523,578" [state special fund FY 12 and FY 13]

Insert: "1,417,717 1,417,116" [state special fund FY 12 and FY 13]

13. Page A-6, line 25.

Strike: "7,432,097 7,438,290" [proprietary FY 12 and FY 13]

Insert: "7,346,998 7,353,191" [proprietary FY 12 and FY 13]

14. Page A-7.

Following: line 9

Insert: "State Information Technology Services Division includes a reduction in general fund money of \$21,690 and state special revenue fund money of \$106,198 in fiscal 2012 and a reduction in general fund money of \$21,718 and state special revenue fund money of \$106,462 in fiscal 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

15. Page A-8, line 24.

Strike: "10,650,425 10,684,411" [state special fund FY 2012 and FY 2013]

Insert: "9,517,888 9,551,874" [state special fund FY 2012 and FY 2013]

Strike: "21,290,708 21,190,303" [federal special fund FY 2012 and FY 2013]

Insert: "20,442,670 20,342,265" [federal special fund FY 2012 and FY 2013]

16. Page A-9.

Following: line 14

Insert: "Workforce Services Division includes a personal services reduction of \$1,132,537 state special revenue and \$848,038 federal special revenue in FY 2012 and \$1,132,537 state special revenue and \$848,038 federal special revenue in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

17. Page A-10, line 12.

Strike: "1,064,331 1,069,730" [general fund FY 2012 and FY 2013]

Insert: "945,379 950,778" [general fund FY 2012 and FY 2013]

Strike: "370,200 350,200" [state special fund FY 2012 and FY 2013]

Insert: "351,358 331,358" [state special fund FY 2012 and FY 2013]

Strike: "6,263,590 6,262,505" [federal special fund FY 2012 and FY 2013]

Insert: "5,985,055 5,983,970" [federal special fund FY 2012 and FY 2013]

18. Page A-10.

Following: line 21

Insert: "Disaster and Emergency Services includes a personal services reduction of \$118,952 general fund, \$18,842 state special revenue, and \$278,535 federal special revenue in FY 2012 and \$118,952 general fund, \$18,842 state special revenue, and \$278,535

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

federal special revenue in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

19. Page B-3, line 21.

Strike: "61,200,962" [general fund FY 12]

Insert: "61,021,966" [general fund FY 12]

Strike: "29,907,802 28,642,949" [state special fund FY 12 FY 13]

Insert: "29,251,007 27,986,154" [state special fund FY 12 FY 13]

Strike: "165,451,895 165,825,968" [federal special fund FY 12 FY 13]

Insert: "160,405,718 160,777,589" [federal special fund FY 12 FY 13]

20. Page B-4.

Following: line 13

Insert: "Senior and Long-Term Care Division includes a personal services reduction of \$178,996 general fund, \$656,795 state special revenue, and \$5,046,177 federal special revenue in FY 2012 and \$656,795 state special revenue and \$5,048,379 federal special revenue in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

21. Page C-1, line 6.

Strike: "5,739,849 5,744,336" [state special fund FY 12 and FY 13]

Insert: "4,277,542 4,282,112" [state special fund FY 12 and FY 13]

Strike: "8,458,445 8,473,817" [federal special fund FY 12 and FY 13]

Insert: "8,021,652 8,083,049" [federal special fund FY 12 and FY 13]

22. Page C-2.

Following: line 26

Insert: "Fisheries Division includes a reduction in state special revenue fund money of \$1,462,307 and federal special revenue fund money of \$436,793 in FY 2012 and a reduction in state special revenue fund money of \$1,462,224 and federal special revenue fund money of \$436,768 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operation plans."

23. Page C-3, line 13.

Strike: "375,308 375,142" [general fund FY 12 and FY 13]

Insert: "237,459 237,630" [general fund FY 12 and FY 13]

Strike: "1,190,514 1,189,782" [state special fund FY 12 and FY 13]

Insert: "722,133 721,322" [state special fund FY 12 and FY 13]

Strike: "341,671 341,224" [federal special fund FY 12 and FY 13]

Insert: "29,417 28,917" [federal special fund FY 12 and FY 13]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

24. Page C-4.

Following: line 5

Insert: "Central Management Programs includes a reduction in general fund money of \$137,759, state special revenue fund money of \$468,381, and federal special revenue fund money of \$312,254 in FY 2012 and in general fund money of \$137,782, state special revenue fund money of \$468,460, federal special revenue fund money of \$312,307 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

25. Page C-4, line 17.

Strike: "23,807,299 23,807,219" [state special fund FY 12 and FY 13]

Insert: "19,145,385 19,145,305" [state special fund FY 12 and FY 13]

Strike: "2,224,010 2,144,187" [federal special fund FY 12 and FY 13]

Insert: "254,467 174,644" [federal special fund FY 12 and FY 13]

26. Page C-6.

Following: line 1

Insert: "General Operations Program includes a reduction in state special revenue fund money of \$4,661,914 and federal special revenue fund money of \$1,969,543 in fiscal 2012 and a reduction in state special revenue fund money of \$4,661,914 and federal special revenue fund money of \$1,969,543 in fiscal 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

27. Page C-6, line 27.

Strike: "3,223,616 3,229,795" [state special fund FY 2012 and FY 2013]

Insert: "2,970,058 2,976,237" [state special fund FY 2012 and FY 2013]

28. Page C-7, line 2.

Strike: "614,033 614,184" [general fund FY 2012 and FY 2013]

Insert: "576,488 576,639" [general fund FY 2012 and FY 2013]

Strike: "615,341 615,492" [federal special fund FY 2012 and FY 2013]

Insert: "581,287 581,438" [federal special fund FY 2012 and FY 2013]

29. Page C-7.

Following: line 13

Insert: "Brands Enforcement Division includes a personal services reduction of \$253,558 state special revenue in FY 2012 and \$253,558 state special revenue in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans. Meat and Poultry Inspection Program includes a personal services reduction of \$37,545 general fund and \$35,054 federal special revenue in FY 2012 and \$37,545 general fund and \$35,054 federal special revenue in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

30. Page C-7, line 16.

Strike: "2,520,873 2,555,178" [general fund FY 12 and FY 13]

Insert: "2,035,257 2,069,267" [general fund FY 12 and FY 13]

Strike: "686,226 694,637" [state special fund FY 12 and FY 13]

Insert: "177,375 188,480" [state special fund FY 12 and FY 13]

Strike: "245,776 249,941" [federal special fund FY 12 and FY 13]

Insert: "225,542 229,695" [federal special fund FY 12 and FY 13]

31. Page C-8.

Following: line 22

Insert: "Centralized Services includes a reduction in general fund money of \$485,616, state special revenue fund money of \$508,851, and federal special revenue fund money of \$20,234 in FY 2012 and in general fund money of \$485,911, state special revenue fund money of \$506,157, and federal special revenue fund money of \$20,246 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

32. Page C-9, line 21.

Strike: "103,114 100,017" [general fund FY 2012 and FY 2013]

Insert: "71,379 68,282" [general fund FY 2012 and FY 2013]

Strike: "794,994 795,020" [state special fund FY 2012 and FY 2013]

Insert: "610,642 610,668" [state special fund FY 2012 and FY 2013]

Strike: "126,775 126,775" [federal special fund FY 2012 and FY 2013]

Insert: "90,870 90,870" [federal special fund FY 2012 and FY 2013]

Strike: "123,288 128,528" [proprietary FY 2012 and FY 2013]

Insert: "103,629 108,869" [proprietary FY 2012 and FY 2013]

33. Page C-10.

Following: line 7

Insert: "Central Management Division includes a personal services reduction of \$31,735 general fund, \$184,352 state special revenue, \$35,905 federal special revenue, and \$19,659 proprietary fund in FY 2012 and \$31,735 general fund, \$184,352 state special revenue, \$35,905 federal special revenue, and \$19,659 proprietary fund in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

34. Page D-1, line 4.

Strike: "8,886,852 8,928,373" [general fund FY 2012 and 2013]

Insert: "8,237,312 8,278,833" [general fund FY 2012 and 2013]

Strike: "190,669 190,669" [state special fund FY 2012 and 2013]

Insert: "157,166 157,166" [state special fund FY 2012 and 2013]

Strike: "122,932 122,989" [federal special fund FY 2012 and 2013]

Insert: "122,248 122,305" [federal special fund FY 2012 and 2013]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

35. Page D-1.

Following: line 25

Insert: "Supreme Court Operations includes a reduction in general fund money of \$649,540, state special revenue fund money of \$33,503, and federal special revenue fund money of \$684 in FY 2012 and a reduction in general fund money of \$649,540, state special revenue fund money of \$33,503, and federal special revenue fund money of \$684 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

36. Page D-2, line 23.

Strike: "1,136,642 1,138,184" [proprietary FY 2012 and 2013]

Insert: "1,106,786 1,108,328" [proprietary FY 2012 and 2013]

37. Page D-3, line 8.

Strike: "5,608,697 6,018,793" [general fund FY 2012 and 2013]

Insert: "5,087,713 5,497,809" [general fund FY 2012 and 2013]

Strike: "3,099,052 3,098,269" [state special fund FY 2012 and 2013]

Insert: "2,180,986 2,180,203" [state special fund FY 2012 and 2013]

Strike: "866,243 867,952" [federal special fund FY 2012 and 2013]

Insert: "842,358 844,067" [federal special fund FY 2012 and 2013]

38. Page D-3.

Following: line 25

Insert: "Gambling Control Division includes a reduction in proprietary fund money of \$29,856 in FY 2012 and \$29,856 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans.

Division of Criminal Investigation includes a reduction in general fund money of \$520,984, state special revenue fund money of \$918,066, and federal special revenue fund money of \$23,885 in FY 2012 and a reduction in general fund money of \$520,984, state special revenue fund money of \$918,066, and federal special revenue fund money of \$23,885 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

39. Page D-4, line 2.

Strike: "3,584,680 3,596,470" [state special fund in FY 2012 and 2013]

Insert: "3,468,004 3,479,794" [state special fund in FY 2012 and 2013]

Strike: "106,511 105,434" [federal special fund FY 2012 and 2013]

Insert: "105,689 104,612" [federal special fund FY 2012 and 2013]

40. Page D-4, line 10.

Strike: "19,552,887 19,570,173" [general fund FY 2012 and 2013]

Insert: "18,937,917 18,955,203" [general fund FY 2012 and 2013]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

41. Page D-4.

Following: line 20

Insert: "Office of State Public Defender includes a reduction in general fund money of \$614,970 in FY 2012 and \$614,970 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

42. Page D-4, line 27.

Strike: "58,313,406 58,554,173" [general fund FY 2012 and 2013]

Insert: "57,877,281 58,118,048" [general fund FY 2012 and 2013]

43. Page D-5, line 2.

Strike: "73,435,468 73,488,148" [general fund FY 2012 and 2013]

Insert: "72,075,182 72,127,862" [general fund FY 2012 and 2013]

44. Page D-5, line 12.

Strike: "793,181 792,600" [general fund FY 2012 and 2013]

Insert: "776,664 776,083" [general fund FY 2012 and 2013]

Strike: "1,994,778 1,994,571" [state special fund FY 2012 and 2013]

Insert: "1,994,350 1,994,143" [state special fund FY 2012 and 2013]

Strike: "591,437 592,358" [proprietary FY 2012 and 2013]

Insert: "586,932 587,853" [proprietary FY 2012 and 2013]

45. Page D-5, line 14.

Strike: "17,462,087 17,477,710" [general fund FY 2012 and 2013]

Insert: "17,250,492 17,266,115" [general fund FY 2012 and 2013]

46. Page D-5, line 24.

Following: "of"

Strike: "\$14,793,778"

Insert: "\$14,357,653"

Following: "and"

Strike: "\$14,796,967"

Insert: "\$14,360,842"

47. Page D-5, line 26.

Following: "includes"

Strike: "\$37,156,156"

Insert: "\$35,795,870"

Following: "and"

Strike: "\$37,168,034"

Insert: "\$35,807,748"

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

48. Page D-6, line 1.

Following: "of"

Strike: "\$640,085"

Insert: "\$623,568"

Following: "and"

Strike: "\$639,025"

Insert: "\$622,508"

Following: "of"

Strike: "\$24,514"

Insert: "\$24,086"

49. Page D-6, line 2.

Following: "and"

Strike: "\$24,261"

Insert: "\$23,833"

Following: "of"

Strike: "\$230,477"

Insert: "\$225,972"

Following: "and"

Strike: "\$231,385"

Insert: "\$226,880"

50. Page D-6, line 4.

Following: "of"

Strike: "\$10,526,138"

Insert: "\$10,314,543"

Following: "and"

Strike: "\$10,532,826"

Insert: "\$10,321,231"

51. Page E-1, line 4.

Strike: "8,738,230 8,743,606" [general fund FY 12 and FY 13]

Insert: "8,606,960 8,612,281" [general fund FY 12 and FY 13]

Strike: "236,503 236,692" [state special fund FY 12 and FY 13]

Insert: "230,536 230,723" [state special fund FY 12 and FY 13]

Strike: "18,537,310 16,141,846" [federal special fund FY 12 and FY 13]

Insert: "18,376,206 15,980,674" [federal special fund FY 12 and FY 13]

52. Page E-2.

Following: line 10

Insert: "OPI Administration includes a reduction in general fund money of \$131,270, state special revenue fund money of \$5,967, and federal special revenue fund money of \$161,104 in FY 2012 and in general fund money of \$131,325, state special revenue

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

fund money of \$5,969, and federal special revenue fund money of \$161,172 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

53. Page E-4, line 11.

Strike: "424,524 437,171" [general fund FY12 & FY13]

Insert: "413,223 425,870" [general fund FY12 & FY13]

Strike: "202,783 200,125" [state special fund FY12 & FY13]

Insert: "194,567 191,909" [state special fund FY12 & FY13]

54. Page E-4, line 15.

Strike: "798,296 798,672" [federal special fund FY12 & FY13]

Insert: "790,717 791,093" [federal special fund FY12 & FY13]

55. Page E-5, line 7.

Strike: "912,125 918,765" [general fund FY12 & FY13]

Insert: "895,743 902,383" [general fund FY12 & FY13]

Strike: "90,408 90,408" [state special fund FY12 & FY13]

Insert: "86,258 86,258" [state special fund FY12 & FY13]

Strike: "100,818 100,818" [federal special fund FY12 & FY13]

Insert: "74,746 74,746" [federal special fund FY12 & FY13]

Strike: "359,552 359,552" [proprietary FY12 & FY13]

Insert: "344,016 344,016" [proprietary FY12 & FY13]

56. Page E-5.

Following: line 22

Insert: "Administration Program includes a reduction in general fund money of \$16,382, state special revenue fund money of \$4,150, federal special revenue fund money of \$26,072, and proprietary fund money of \$15,536 in FY 2012 and a reduction in general fund money of \$16,382, state special revenue fund money of \$4,150, federal special revenue fund money of \$26,072, and proprietary fund money of \$15,536 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

Amendment **not** adopted as follows:

Yeas: Arntzen, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, More, O'Neil, Osmundson, Randall, Read, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 38

Nays: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren,

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 62

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Skees moved **HB 2**, second reading copy, be amended as follows:

1. Page A-1, line 5.

Strike: "6,212,995 7,009,636" [general fund FY 2012 and FY 2013]

Insert: "6,042,098 6,838,976" [general fund FY 2012 and FY 2013]

Strike: "863,099 286,242" [state special fund FY 2012 and FY 2013]

Insert: "825,585 248,780" [state special fund FY 2012 and FY 2013]

2. Page A-1.

Following: line 16

Insert: "Legislative Services includes a reduction in general fund money of \$170,897 and state special revenue of \$37,514 in FY 2012 and a reduction in general fund money of \$170,660 and state special revenue of \$37,462 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

3. Page A-1, line 19.

Strike: "1,393,320 1,393,320" [state special fund FY 2012 and FY 2013]

Insert: "1,381,861 1,381,824" [state special fund FY 2012 and FY 2013]

4. Page A-1, line 27.

Strike: "2,414,570 2,411,138" [general fund FY 2012 and FY 2013]

Insert: "2,329,617 2,326,207" [general fund FY 2012 and FY 2013]

5. Page A-2, line 20.

Strike: "11,169 11,104" [state special fund FY 2012 and FY 2013]

Insert: "10,964 10,899" [state special fund FY 2012 and FY 2013]

6. Page A-2.

Following: line 27

Insert: "The Executive Office Program includes a reduction in general fund money of \$84,953 and in state special revenue of \$205 in FY 2012 and a reduction in general fund money of \$84,931 and in state special revenue of \$205 in FY 2013. The agency may allocate

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

7. Page A-3, line 10.

Strike: "562,764 564,616" [general fund FY 2012 and FY 2013]

Insert: "556,629 558,475" [general fund FY 2012 and FY 2013]

8. Page A-3, line 18.

Strike: "1,215,825 1,216,860" [state special fund FY12 & FY13]

Insert: "1,108,978 1,110,032" [state special fund FY12 & FY13]

9. Page A-4, following line 11.

Insert: "Central Management includes a reduction in state special revenue fund money of \$106,847 in FY 2012 and a reduction in state special revenue fund money of \$106,828 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

10. Page A-4, line 26.

Strike: "2,231,696 2,236,497" [proprietary FY 12 and FY 13]

Insert: "2,193,611 2,198,390" [proprietary FY 12 and FY 13]

11. Page A-5, line 7.

Strike: "9,852,176 9,862,967" [general fund FY 12 and FY 13]

Insert: "9,146,936 9,157,571" [general fund FY 12 and FY 13]

Strike: "544,724 545,200" [state special fund FY 12 and FY 13]

Insert: "533,240 533,715" [state special fund FY 12 and FY 13]

Strike: "269,210 270,218" [federal special fund FY 12 and FY 13]

Insert: "265,788 266,795" [federal special fund FY 12 and FY 13]

12. Page A-5.

Following: line 18

Insert: "Business and Income Taxes Division includes a reduction in general fund money of \$705,240, state special revenue fund money of \$11,484, and federal special revenue fund money of \$3,422 in fiscal 2012 and a reduction in general fund money of \$705,396, state special revenue fund money of \$11,485, and federal special revenue fund money of \$3,423 in fiscal 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

13. Page A-6, line 19.

Strike: "419,613 422,431" [general fund FY 12 and FY 13]

Insert: "340,066 342,890" [general fund FY 12 and FY 13]

Strike: "1,523,915 1,523,578" [state special fund FY 12 and FY 13]

Insert: "1,429,384 1,429,029" [state special fund FY 12 and FY 13]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

14. Page A-6, line 25.

Strike: "7,432,097 7,438,290" [proprietary FY 12 and FY 13]

Insert: "7,394,621 7,400,795" [proprietary FY 12 and FY 13]

15. Page A-7.

Following: line 9

Insert: "State Information Technology Services Division includes a reduction in general fund money of \$79,547 and state special revenue fund money of \$94,531 in fiscal 2012 and a reduction in general fund money of \$79,541 and state special revenue fund money of \$94,549 in fiscal 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

16. Page A-7, line 12.

Strike: "1,854,663 1,861,602" [general fund FY 2012 and FY 2013]

Insert: "1,822,252 1,829,180" [general fund FY 2012 and FY 2013]

Strike: "2,203,494 2,203,875" [state special fund FY 2012 and FY 2013]

Insert: "2,185,635 2,186,006" [state special fund FY 2012 and FY 2013]

Strike: "4,719,829 5,051,551" [federal special fund FY 2012 and FY 2013]

Insert: "4,703,070 5,034,804" [federal special fund FY 2012 and FY 2013]

17. Page A-8.

Following: line 19

Insert: "Business Resources Division includes a reduction in general fund money of \$32,411, state special revenue fund money of \$17,859, and federal special revenue fund money of \$16,759 in FY 2012 and a reduction in general fund money of \$32,422, state special revenue fund money of \$17,869, and federal special revenue fund money of \$16,747 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

18. Page A-8, line 24.

Strike: "10,650,425 10,684,411" [state special fund FY 2012 and FY 2013]

Insert: "10,170,121 10,204,259" [state special fund FY 2012 and FY 2013]

Strike: "21,290,708 21,190,303" [federal special fund FY 2012 and FY 2013]

Insert: "20,935,873 20,835,501" [federal special fund FY 2012 and FY 2013]

19. Page A-9, line 3.

Strike: "278,173 279,307" [general fund FY 2012 and FY 2013]

Insert: "240,087 241,235" [general fund FY 2012 and FY 2013]

Strike: "88,410 88,517" [proprietary FY 2012 and FY 2013]

Insert: "86,938 87,039" [proprietary FY 2012 and FY 2013]

20. Page A-9.

Following: line 14

Insert: "Workforce Services Division includes a reduction in state special revenue fund money of \$480,304 and federal special revenue fund money of \$354,835 in FY 2012 and a

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

reduction in state special revenue fund money of \$480,152 and federal special revenue fund money of \$354,802 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans.

Commissioner's Office includes a reduction in general fund money of \$38,086 and proprietary fund money of \$1,472 in FY 2012 and a reduction of general fund money of \$38,072 and proprietary fund money of \$1,478 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

21. Page A-10, line 12.

Strike: "1,064,331 1,069,730" [general fund FY 2012 and FY 2013]

Insert: "995,243 1,000,618" [general fund FY 2012 and FY 2013]

Strike: "370,200 350,200" [state special fund FY 2012 and FY 2013]

Insert: "365,620 345,617" [state special fund FY 2012 and FY 2013]

Strike: "6,263,590 6,262,505" [federal special fund FY 2012 and FY 2013]

Insert: "6,109,717 6,108,307" [federal special fund FY 2012 and FY 2013]

22. Page A-10.

Following: line 21

Insert: "Disaster and Emergency Services includes a reduction in general fund money of \$69,088, state special revenue fund money of \$4,580, and federal special revenue fund money of \$153,873 in FY 2012 and a reduction in general fund money of \$69,112, state special revenue fund money of \$4,583, and federal special revenue fund money of 154,198 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

23. Page B-2, line 7.

Strike: "3,467,877 3,499,858" [general fund FY 2012
and FY 2013]

655,724 662,890 [state special revenue
FY 2012 and FY 2013]

4,620,264 4,672,047 [federal special revenue
FY 2012 and FY 2013]

Insert: "1,659,168 1,694,549 " [general fund FY 2012
and FY 2013]

327,541 334,691 [state special revenue
FY 2012 and FY 2013]

3,505,053 3,557,135 [federal special revenue
FY 2012 and FY 2013]

24. Page B-2.

Following: line 22

Insert: "Business and Financial Services Division includes a reduction in general fund money of \$1,808,709, state special revenue fund money of \$328,183, and federal special revenue

FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

fund money of \$1,115,211 in fiscal 2012 and a reduction in general fund money of \$1,805,309, state special revenue fund money of \$328,199, and federal special revenue fund money of \$1,114,912 in fiscal 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

25. Page C-1, line 6.

Strike: "5,739,849 5,744,336" [state special fund FY 12 and FY 13]

Insert: "5,242,526 5,246,972" [state special fund FY 12 and FY 13]

Strike: "8,458,445 8,473,817" [state special fund FY 12 and FY 13]

Insert: "8,253,597 8,268,863" [state special fund FY 12 and FY 13]

26. Page C-2.

Following: line 26

Insert:

"Fisheries Division includes a reduction in state special revenue fund money of \$497,323 and federal special revenue fund money of \$204,848 in FY 2012 and a reduction in state special revenue fund money of \$497,364 and federal special revenue fund money of \$204,954 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

27. Page C-3, line 13.

Strike: "375,308 375,142" [general fund FY 12 and FY 13]

Insert: "301,170 300,991" [general fund FY 12 and FY 13]

Strike: "1,190,514 1,189,782" [state special fund FY 12 and FY 13]

Insert: "907,660 906,281" [state special fund FY 12 and FY 13]

Strike: "341,671 341,224" [federal special fund FY 12 and FY 13]

Insert: "144,239 143,741" [state special fund FY 12 and FY 13]

28. Page C-4.

Following: line 5

Insert: "Central Management Program includes a reduction in general fund money of \$74,138, state special revenue fund money of \$282,854, and federal special revenue fund money of \$197,432 in FY 2012 and a reduction in general fund money of \$74,151, state special revenue fund money of \$283,501, and federal special revenue fund money of \$197,483 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

29. Page C-4, line 17.

Strike: "23,807,299 23,807,219" [state special fund FY 12 and FY 13]
Insert: "21,793,103 21,792,342" [state special fund FY 12 and FY 13]
Strike: "2,224,010 2,144,187" [federal special fund FY 12 and FY 13]
Insert: "1,373,397 1,293,498" [federal special fund FY 12 and FY 13]

30. Page C-6.

Following: line 1

Insert: "General Operations Program includes a reduction in state special revenue fund money of \$2,014,196 and federal special revenue fund money of \$850,613 in fiscal 2012 and a reduction in state special revenue fund money of \$2,014,877 and federal special revenue fund money of \$850,689 in fiscal 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

31. Page C-6, line 9.

Strike: "180,820 180,943" [general fund FY 2012 and FY 2013]
Insert: "163,507 163,633" [general fund FY 2012 and FY 2013]
Strike: "1,720,517 1,725,491" [state special fund FY 2012 and FY 2013]
Insert: "1,599,366 1,604,252" [state special fund FY 2012 and FY 2013]

32. Page C-6, line 15.

Strike: "842,747 844,508" [federal special fund FY 2012 and FY 2013]
Insert: "828,081 829,847" [federal special fund FY 2012 and FY 2013]

33. Page C-7.

Following: line 13

Insert: "The Diagnostic Laboratory Program includes a reduction in general fund money of \$17,313 and state special revenue fund money of \$121,151 in FY 2012 and a reduction in general fund money of \$17,310 and state special revenue fund money of \$121,239 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

Animal Health Division includes a reduction in federal special revenue fund money of \$14,666 in FY 2012 and a reduction of federal special revenue fund money of \$14,661 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

34. Page C-7, line 16.

Strike: "2,520,873 2,555,178" [general fund FY 12 and FY 13]
Insert: "2,188,592 2,223,026" [general fund FY 12 and FY 13]
Strike: "686,226 694,637" [state special fund FY 12 and FY 13]
Insert: "339,224 347,806" [state special fund FY 12 and FY 13]
Strike: "245,776 249,941" [federal special fund FY 12 and FY 13]
Insert: "233,487 237,650" [federal special fund FY 12 and FY 13]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

35. Page C-8.

Following: line 22

Insert: "Centralized Services includes a reduction in general fund money of \$332,281, state special revenue fund money of \$347,002, and federal special revenue fund money of \$12,289 in FY 2012 and a reduction in general fund money of \$332,151, state special revenue fund money of \$ 346,831, and federal special revenue fund money of \$12,291 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

36. Page C-9, line 21.

Strike: "103,114 100,017" [general fund FY 2012 and FY 2013]

Insert: "89,184 86,085" [general fund FY 2012 and FY 2013]

Strike: "794,994 795,020" [state special fund FY 2012 and FY 2013]

Insert: "701,699 701,773" [state special fund FY 2012 and FY 2013]

Strike: "126,775 126,775" [federal special fund FY 2012 and FY 2013]

Insert: "107,428 107,434" [federal special fund FY 2012 and FY 2013]

Strike: "123,288 128,528" [proprietary FY 2012 and FY 2013]

Insert: "114,084 119,345" [proprietary FY 2012 and FY 2013]

37. Page C-10.

Following: line 7

Insert: "Central Management Division includes a reduction in general fund money of \$13,930, state special revenue fund money of \$93,295, federal special revenue fund money of \$19,347, and proprietary fund money of \$9,204 in FY 2012 and a reduction in general fund money of \$13,932, state special revenue fund money of \$93,247, federal special revenue fund money of \$19,341, and proprietary fund money of \$9,183 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

38. Page D-1, line 16.

Strike: "24,951,676 25,039,963" [general fund FY 2012 and 2013]

Insert: "24,374,069 24,460,659" [general fund FY 2012 and 2013]

Strike: "253,152 253,339" [state special fund FY 2012 and 2013]

Insert: "223,098 223,313" [state special fund FY 2012 and 2013]

39. Page D-1.

Following: line 25

Insert: "District Court Operations includes a reduction in general fund money of \$577,607 and state special revenue fund money of \$30,054 in FY 2012 and a reduction in general fund money of \$579,304 and state special revenue fund money of \$30,026 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

40. Page D-2, line 2.

Strike: "1,268,288 1,266,113" [general fund FY 2012 and 2013]

Insert: "1,251,188 1,248,999" [general fund FY 2012 and 2013]

Strike: "12,850 12,850" [state special fund FY 2012 and 2013]

Insert: "12,813 12,813" [state special fund FY 2012 and 2013]

Strike: "720,096 723,756" [federal special fund FY 2012 and 2013]

Insert: "715,617 719,274" [federal special fund FY 2012 and 2013]

41. Page D-2, line 23.

Strike: "1,136,642 1,138,184" [proprietary FY 2012 and 2013]

Insert: "1,115,171 1,116,695" [proprietary FY 2012 and 2013]

42. Page D-3, line 8.

Strike: "5,608,697 6,018,793" [general fund FY 2012 and 2013]

Insert: "5,257,425 5,661,053" [general fund FY 2012 and 2013]

Strike: "3,099,052 3,098,269" [state special fund FY 2012 and 2013]

Insert: "2,935,919 2,935,226" [state special fund FY 2012 and 2013]

Strike: "866,243 867,952" [federal special fund FY 2012 and 2013]

Insert: "852,065 853,901" [federal special fund FY 2012 and 2013]

43. Page D-3.

Following: line 25

Insert: "Gambling Control Division includes a reduction in proprietary fund money of \$21,471 in FY 2012 and \$21,489 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

Division of Criminal Investigation includes a reduction in general fund money of \$351,272, state special revenue fund money of \$163,133, and federal special revenue fund money of \$14,178 in FY 2012 and a reduction in general fund money of \$357,740, state special revenue fund money of \$163,043, and federal special revenue fund money of \$14,051 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

44. Page D-4, line 2.

Strike: "3,584,680 3,596,470" [state special fund in FY 2012 and 2013]

Insert: "3,535,141 3,546,875" [state special fund in FY 2012 and 2013]

Strike: "106,511 105,434" [federal special fund FY 2012 and 2013]

Insert: "105,991 104,914" [federal special fund FY 2012 and 2013]

45. Page D-4, line 10.

Strike: "19,552,887 19,570,173" [general fund FY 2012 and 2013]

Insert: "19,291,794 19,309,343" [general fund FY 2012 and 2013]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

46. Page D-4.

Following: line 20

Insert: "Office of State Public Defender includes a reduction in general fund money of \$261,093 in FY 2012 and \$260,830 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

47. Page D-4, line 23.

Strike: "16,180,063 16,194,249" [general fund FY 2012 and 2013]

Insert: "16,052,626 16,066,710" [general fund FY 2012 and 2013]

Strike: "511,965 505,609" [state special fund FY 2012 and 2013]

Insert: "503,104 496,725" [state special fund FY 2012 and 2013]

48. Page D-4, line 27.

Strike: "58,313,406 58,554,173" [general fund FY 2012 and 2013]

Insert: "58,005,991 58,246,730" [general fund FY 2012 and 2013]

49. Page D-5, line 2.

Strike: "73,435,468 73,488,148" [general fund FY 2012 and 2013]

Insert: "72,694,230 72,746,643" [general fund FY 2012 and 2013]

50. Page D-5, line 12.

Strike: "793,181 792,600" [general fund FY 2012 and 2013]

Insert: "780,215 779,660" [general fund FY 2012 and 2013]

Strike: "591,437 592,358" [proprietary FY 2012 and 2013]

Insert: "587,250 588,153" [proprietary FY 2012 and 2013]

51. Page D-5, line 14.

Strike: "17,462,087 17,477,710" [general fund FY 2012 and 2013]

Insert: "17,239,078 17,254,536" [general fund FY 2012 and 2013]

52. Page D-5, line 22.

Following: "includes"

Strike: "\$6,133,625"

Insert: "\$6,006,188"

Following: "and"

Strike: "\$451,242"

Insert: "\$442,381"

Following: "and"

Strike: "\$6,120,961"

Insert: "\$5,993,422"

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

53. Page D-5, line 23.

Following: "and"

Strike: "\$451,325"

Insert: "\$442,441"

54. Page D-5, line 24.

Following: "of"

Strike: "\$14,793,778"

Insert: "\$14,486,363"

Following: "and"

Strike: "\$14,796,967"

Insert: "\$14,489,524"

55. Page D-5, line 26.

Following: "includes"

Strike: "\$37,156,156"

Insert: "\$36,414,918"

Following: "and"

Strike: "\$37,168,034"

Insert: "\$36,426,529"

56. Page D-6, line 1.

Following: "of"

Strike: "\$640,085"

Insert: "\$627,119"

Following: "and"

Strike: "\$639,025"

Insert: "\$626,085"

57. Page D-6, line 2.

Following: "of"

Strike: "\$230,477"

Insert: "\$226,290"

Following: "and"

Strike: "\$231,385"

Insert: "\$227,180"

58. Page D-6, line 4.

Following: "of"

Strike: "\$10,526,138"

Insert: "\$10,303,129"

Following: "and"

Strike: "\$10,532,826"

Insert: "\$10,309,652"

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

59. Page E-1, line 4.

Strike: "8,738,230 8,743,606" [general fund FY 12 and FY 13]

Insert: "8,645,786 8,651,215" [general fund FY 12 and FY 13]

Strike: "236,503 236,692" [state special fund FY 12 and FY 13]

Insert: "233,135 233,323" [state special fund FY 12 and FY 13]

Strike: "18,357,310 16,141,846" [federal special fund FY 12 and FY 13]

Insert: "18,237,106 16,021,644" [federal special fund FY 12 and FY 13]

60. Page E-2.

Following: line 10

Insert: "OPI Administration includes a reduction in general fund money of \$92,444, state special revenue fund money of \$3,368, and federal special revenue fund money of \$120,204 in FY 2012 and a reduction in general fund money of \$92,391, state special revenue fund money of \$3,369, and federal special revenue fund money of \$120,202 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

61. Page E-3, line 18.

Strike: "206,990 212,358" [general fund FY 12 and FY 13]

Insert: "203,825 209,136" [general fund FY 12 and FY 13]

Strike: "178,618 179,020" [state special fund FY 12 and FY 13]

Insert: "175,922 176,276" [state special fund FY 12 and FY 13]

62. Page E-3, line 24.

Strike: "439,457 439,040" [general fund FY 12 and FY 13]

Insert: "325,523 325,063" [general fund FY 12 and FY 13]

63. Page E-4.

Following: line 8

Insert: "Administration Program includes a reduction in general fund money of \$113,934 in FY 2012 and a reduction in general fund money of \$113,977 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

64. Page E-4, line 11.

Strike: "424,524 437,171" [general fund FY12 & FY13]

Insert: "421,165 433,807" [general fund FY12 & FY13]

Strike: "202,783 200,125" [state special fund FY12 & FY13]

Insert: "200,341 197,679" [state special fund FY12 & FY13]

65. Page E-4, line 15.

Strike: "798,296 798,672" [federal special fund FY12 & FY13]

Insert: "796,044 796,416" [federal special fund FY12 & FY13]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

66. Page E-4, line 21.

Strike: "2,529,615 2,535,511" [general fund FY12 & FY13]

Insert: "2,496,050 2,501,914" [general fund FY12 & FY13]

Strike: "408,026 408,026" [federal special fund FY12 & FY13]

Insert: "405,884 405,881" [federal special fund FY12 & FY13]

67. Page E-5, line 7.

Strike: "912,125 918,765" [general fund FY12 & FY13]

Insert: "863,786 870,638" [general fund FY12 & FY13]

Strike: "90,408 90,408" [state special fund FY12 & FY13]

Insert: "87,157 87,171" [state special fund FY12 & FY13]

Strike: "100,818 100,818" [federal special fund FY12 & FY13]

Insert: "91,590 91,578" [federal special fund FY12 & FY13]

Strike: "359,552 359,552" [proprietary FY12 & FY13]

Insert: "353,101 353,151" [proprietary FY12 & FY13]

68. Page E-5.

Following: line 22

Insert: "Administration Program includes a reduction in general fund money of \$48,339, state special revenue fund money of \$3,251, federal special revenue fund money of \$9,228, and proprietary fund money of \$6,451 in FY 2012 and a reduction in general fund money of \$48,127, state special revenue fund money of \$3,237, federal special revenue fund money of \$9,240, and proprietary fund money of \$6,401 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

69. Page E-5, line 25.

Strike: "2,281,576 2,275,514" [general fund FY12 & FY13]

Insert: "2,236,062 2,230,045" [general fund FY12 & FY13]

70. Page E-6, line 2.

Strike: "101,895 101,824" [state special fund FY12 & FY13]

Insert: "101,139 101,069" [state special fund FY12 & FY13]

71. Page E-6, line 14.

Strike: "131,914,650 131,602,215" [general fund FY12 & FY13]

Insert: "130,992,156 130,669,781" [general fund FY12 & FY13]

72. Page E-6, line 18.

Strike: "11,805,424 11,856,141" [general fund FY12 & FY13]

Insert: "11,597,713 11,648,248" [general fund FY12 & FY13]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

73. Page E-6, line 20.

Strike: "5,338,715 5,339,571" [general fund FY12 & FY13]

Insert: "5,247,958 5,248,750" [general fund FY12 & FY13]

74. Page E-6, line 22.

Strike: "1,069,145 1,070,521" [general fund FY12 & FY13]

Insert: "1,050,423 1,051,789" [general fund FY12 & FY13]

75. Page E-6, line 24.

Strike: "2,811,815 2,812,876" [general fund FY12 & FY13]

Insert: "2,758,619 2,759,666" [general fund FY12 & FY13]

76. Page E-6, line 26.

Strike: "739,957 742,675" [general fund FY12 & FY13]

Insert: "729,419 732,160" [general fund FY12 & FY13]

77. Page E-7, line 3.

Strike: "38,107,073 44,613,630" [federal special fund FY12 & FY13]

Insert: "38,032,346 44,538,770" [federal special fund FY12 & FY13]

Amendment **not** adopted as follows:

Yeas: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton.

Total 38

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 61

Excused: None.

Total 0

Absent or not voting: Arntzen.

Total 1

HB 2 - Representative Burnett moved **HB 2**, second reading copy, be amended as follows:

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

1. Page A-4.

Strike: line 21 through line 22 in their entirety

Renumber: subsequent subsections

2. Page A-5.

Strike: line 12 through line 13 in their entirety

3. Page D-1, line 4.

Strike: "8,886,852 8,928,373" [general fund FY 2012 and 2013]

Insert: "8,875,990 8,915,022" [general fund FY 2012 and 2013]

4. Page D-1, line 20.

Strike: "1,671,496 1,673,995" [state special fund FY 2012 and 2013]

Insert: "1,665,714 1,665,193" [state special fund FY 2012 and 2013]

5. Page D-2, line 23.

Strike: "2,990,469 2,994,224" [state special fund FY 2012 and 2013]

Insert: "2,977,803 2,979,324" [state special fund FY 2012 and 2013]

Strike: "1,136,642 1,138,184" [proprietary FY 2012 and 2013]

Insert: "1,131,213 1,131,798" [proprietary FY 2012 and 2013]

6. Page D-3, line 8.

Strike: "5,608,697 6,018,793" [general fund FY 2012 and 2013]

Insert: "5,587,000 5,975,562" [general fund FY 2012 and 2013]

Strike: "3,099,052 3,098,269" [state special fund FY 2012 and 2013]

Insert: "3,096,052 3,095,269" [state special fund FY 2012 and 2013]

7. Page D-4, line 2.

Strike: "3,584,680 3,596,470" [state special fund FY 2012 and 2013]

Insert: "3,572,375 3,577,734" [state special fund FY 2012 and 2013]

8. Page E-5, line 25.

Strike: "2,281,576 2,275,514" [general fund FY12 & FY13]

Insert: "2,279,706 2,271,736" [general fund FY12 & FY13]

9. Page E-6, line 10.

Strike: "6,690,021 5,995,262" [federal special fund FY12 & FY13]

Insert: "6,682,034 5,986,810" [federal special fund FY12 & FY13]

10. Page E-6, line 12.

Strike: "6,273,186 6,265,186" [federal special fund FY12 & FY13]

Insert: "6,265,118 6,256,568" [federal special fund FY12 & FY13]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

11. Page E-6, line 26.

Strike: "739,957 742,675" [general fund FY12 & FY13]

Insert: "737,849 739,112" [general fund FY12 & FY13]

Amendment **not** adopted as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton.

Total 43

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 57

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative McChesney moved **HB 2**, second reading copy, be amended as follows:

1. Page A-7.

Following: line 27

Insert: "455,000 455,000" [general fund FY 2012 and FY 2013]

Amendment **not** adopted as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More,

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative McChesney moved **HB 2**, second reading copy, be amended as follows:

1. Page A-8, line 6.

Strike: "2,932,803 2,984,621" [state special fund FY 2012 and FY 2013]

Insert: "3,096,967 3,096,967" [state special fund FY 2012 and FY 2013]

Amendment **not** adopted as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Cuffe, Driscoll, Evans, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Welborn, Williams, Wilmer.

Total 43

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: More.

Total 1

HB 2 - Representative McChesney moved **HB 2**, second reading copy, be amended as follows:

1. Page A-8, line 24.

Strike: "0 0" [general fund FY 2012 and FY 2013]

Insert: "575,416 579,267" [general fund FY 2012 and FY 2013]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Strike: "10,650,425 10,684,411" [state special fund FY 2012 and FY 2013]

Insert: "10,075,009 10,105,144" [state special fund FY 2012 and FY 2013]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Nays: Ankney, Arntzen, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Excused: None.

Total 0

Absent or not voting: B. Beck.

Total 1

HB 2 - Representative McChesney moved **HB 2**, second reading copy, be amended as follows:

1. Page A-8, line 24.

Strike: "0 0" [general fund FY 2012 and FY 2013]

Insert: "259,326 258,770" [general fund FY 2012 and FY 2013]

Strike: "10,650,425 10,684,411" [state special fund FY 2012 and FY 2013]

Insert: "10,391,099 10,425,641" [state special fund FY 2012 and FY 2013]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson,

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 67

Excused: None.
Total 0

Absent or not voting: Harris.
Total 1

HB 2 - Representative McChesney moved **HB 2**, second reading copy, be amended as follows:

1. Page A-5, line 7.

Strike: "9,852,176 9,862,967" [general fund FY 12 and FY 13]

Insert: "10,352,176 10,362,967" [general fund FY 12 and FY 13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 68

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Representative Kennedy moved **HB 2**, second reading copy, be amended as follows:

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

1. Page A-7.

Strike: line 21 through line 22 in their entirety

Amendment adopted as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 56

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Cuffe, Driscoll, Ehli, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer, Yates.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Reinhart moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-7, line 16.

Strike: "0 0" [general fund FY 2012 and FY 2013]

Insert: "1,500,000 1,500,000" [general fund FY 2012 and FY 2013]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More,

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative McNutt moved to close Section A. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 73

Nays: Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Belcourt moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 17.

Strike: "1,419,972 1,419,972" [state special fund FY12&FY13]

Insert: "4,003,223 4,003,223" [state special fund FY12&FY13]

Amendment **not** adopted as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Lavin, MacDonald,

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 44

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: Bangerter.

Total 1

HB 2 - Representative Schmidt moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-1, line 9.

Strike: "223,765,786 222,655,644" [federal special fund FY 12 and FY 13]

Insert: "327,963,838 368,457,504" [federal special fund FY 12 and FY 13]

2. Page B-1.

Strike: line 14 through line 15

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Regier moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 3.

Strike: "40,296,849 40,297,387" [federal special fund FY 12 FY 13]

Insert: "37,946,179 37,947,740" [federal special fund FY 12 FY 13]

Amendment adopted as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 53

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Cook, Court, Cuffe, Driscoll, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Belcourt moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-1, line 9.

Strike: "223,765,786 222,655,644" [federal special fund FY 12 and FY 13]

Insert: "228,569,041 227,458,899" [federal special fund FY 12 and FY 13]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 35

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Boland moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 21.

Strike: "29,907,802 28,642,949" [state special fund FY 12 FY 13]

Insert: "31,407,802 30,142,949" [state special fund FY 12 FY 13]

2. Page C-7.

Strike: line 23 through line 24

3. Page C-8.

Strike: line 23

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 41

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 59

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Schmidt moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-1, line 17.

Strike: "31,857,539 33,444,233" [General fund FY 12 and FY 13]

2,463,022 2,463,022 [State Special Revenue FY 12 and

FY 13]

26,545,289 27,402,292 [Federal special fund FY 12 and

FY 13]

Insert: "32,042,355 33,629,049" [General fund FY 12 and FY 13]

2,495,422 2,495,422 [State Special Revenue FY 12 and

FY 13]

26,609,806 27,466,809 [Federal special fund FY 12 and

FY 13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kary, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Washburn, Williams, Wilmer.

Total 36

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Welborn, Yates, Mr. Speaker.

Total 64

Excused: None.

Total 0

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Absent or not voting: None.

Total 0

HB 2 - Representative Furey moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, Line 19.

Strike: "467,338 466,952" [general fund FY 12 and FY 13]
35,393 35,333 [state special revenue FY 12 and
FY 13]
673,683 673,273 [federal special revenue FY 12 and FY 13]
Insert: "636,452 741,843" [general fund FY 12 and FY 13]
33,406 37,125 [state special revenue FY 12 and
FY 13]
789,883 883,151 [federal special revenue FY 12 and FY 13]

Representative Furey withdrew his amendment.

HB 2 - Representative Furey moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-1, line 9.

Strike: "29,395,052 29,118,420" [general fund FY 12 FY 13]
Insert: "29,619,792 29,343,160" [general fund FY 12 FY 13]

2. Page B-1, line 17.

Strike: "31,857,539 33,444,233" [general fund FY 12 FY 13]
Insert: "32,076,549 33,663,243" [general fund FY 12 FY 13]

Strike: "26,545,289 27,402,292" [federal special fund FY 12 FY 13]
Insert: "26,638,816 27,495,819" [federal special fund FY 12 FY 13]

3. Page B-3, line 9.

Strike: "73,724,653 75,174,917" [general fund FY 12 FY 13]
Insert: "74,620,323 76,070,587" [general fund FY 12 FY 13]

Strike: "128,642,182 129,723,906" [federal special fund FY 12 FY 13]
Insert: "129,890,641 130,972,365" [federal special fund FY 12 FY 13]

4. Page B-3, line 21.

Strike: "61,200,962 62,750,080" [general fund FY 12 FY 13]
Insert: "62,435,730 63,984,848" [general fund 12 FY 13]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Strike: "165,451,895 165,825,968" [federal special fund FY 12 FY 13]

Insert: "168,845,454 169,219,527" [federal special fund FY 12 FY 13]

5. Page B-3, line 27.

Strike: "62,344,378 62,814,384" [general fund FY 12 FY 13]

Insert: "62,971,778 63,441,784" [general fund FY 12 FY 13]

Strike: "14,008,262 12,653,778" [state special fund FY 12 FY 13]

Insert: "14,018,171 12,663,687" [state special fund FY 12 FY 13]

Strike: "49,298,273 50,397,417" [federal special fund FY 12 FY 13]

Insert: "49,864,089 50,961,417" [federal special fund FY 12 FY 13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 36

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 64

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Sands moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, following line 17.

Insert: "c. Health Information Technology Incentive Payments (OTO)
18,853,000 16,476,500" [federal special revenue FY12&FY13]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 35

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative MacDonald moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 3.

Strike: "2,727,931 2,725,183" [general fund FY 12 FY 13]

Insert: "3,218,233 3,215,836" [general fund FY 12 FY 13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 35

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale,

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 65

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Representative Schmidt moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 13.

Strike: "106,395,593	111,982,368"	[General fund FY12&FY13]
Insert: "108,072,993	113,783,907"	[General fund FY12&FY13]
Strike: "427,176,404	454,277,131"	[Federal special revenue FY12 & FY13]
Insert: "432,606,632	459,997,677"	[Federal special revenue FY12 & FY13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 34

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 65

Excused: None.
Total 0

Absent or not voting: Klock.
Total 1

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

HB 2 - Representative Belcourt moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 21.

Strike: "29,907,802 28,642,949" [state special fund FY 12 FY 13]

Insert: "30,755,347 30,910,949" [state special fund FY 12 FY 13]

2. Page B-3.

Strike: line 22 through line 23

Renumber: subsequent subsections

3. Page B-4.

Strike: line 14 through line 15

Amendment adopted as follows:

Yeas: Ankney, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Boland, Brodehl, Connell, Court, Cuffe, Driscoll, Ehli, Evans, Furey, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Read, Regier, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Taylor, Welborn, Williams, Wilmer, Yates.

Total 59

Nays: Arntzen, Bangerter, G. Bennett, Berry, Blyton, Burnett, Clark, Cook, Edmunds, Esp, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, McNutt, More, Osmundson, Peterson, Randall, Roberts, Rosendale, Skattum, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Schmidt moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 21.

Strike: "61,200,962 62,750,080" [general fund FY 12 FY 13]

Insert: "61,452,320 63,001,438" [general fund FY 12 FY 13]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Strike: "165,451,895 165,825,968" [federal special fund FY 12 FY 13]

Insert: "165,943,980 166,308,288" [federal special fund FY 12 FY 13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Edmunds, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 38

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 62

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Schmidt moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 13.

Strike: "71,925,662 72,900,727" [State special revenue
FY12 & FY13]

Insert: "72,716,816 73,702,411" [State special revenue
FY12 & FY13]

Strike: "427,176,404 454,277,131" [Federal special revenue
FY12 & FY13]

Insert: "428,725,250 455,815,447" [Federal special revenue
FY12 & FY13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith,

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Squires, Swanson, Williams, Wilmer.

Total 32

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Belcourt moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 3.

Strike: "10,806,920 10,810,590" [state special fund FY 12 FY 13]

Insert: "18,328,989 18,335,864" [state special fund FY 12 FY 13]

2. Page B-3, line 13.

Strike: "106,395,593 111,982,368" [general fund FY 12 FY 13]

Insert: "112,259,631 117,839,347" [general fund FY 12 FY 13]

Strike: "71,925,662 72,900,727" [state special fund FY 12 FY 13]

Insert: "66,061,624 67,043,748" [state special fund FY 12 FY 13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Evans, Fitzpatrick, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, Ingraham, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 40

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith,

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 60

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Representative Schmidt moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 3.

Strike: "2,727,931 2,725,183" [general fund FY 12 FY 13]

Insert: "2,852,931 2,850,183" [general fund FY 12 FY 13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 31

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 68

Excused: None.
Total 0

Absent or not voting: Schmidt.
Total 1

HB 2 - Representative Belcourt moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 13.

Strike: "106,395,593 111,982,368" [General fund FY12&FY13]

Insert: "106,658,136 112,248,405" [General fund FY12&FY13]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Strike: "427,176,404 454,277,131" [Federal special revenue
FY12 & FY13]
Insert: "427,690,386 454,787,619" [Federal special revenue
FY12 & FY13]

Amendment **not** adopted as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 35

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 65

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Representative Belcourt moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 13.

Strike: "71,925,662 72,900,727" [State special fund
FY12&FY13]
Insert: "72,031,787 73,005,798" [State special fund
FY12&FY13]
Strike: "427,176,404 454,277,131" [Federal special revenue
FY12 & FY13]
Insert: "427,519,952 454,610,697" [Federal special revenue
FY12 & FY13]

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Reinhart, Sands, Schmidt, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Excused: None.

Total 0

Absent or not voting: Price, Sesso.

Total 2

HB 2 - Representative Belcourt moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 3

Strike: "40,296,849 40,297,387" [federal special fund FY 12 FY 13]

Insert: "40,596,849 40,597,387" [federal special fund FY 12 FY 13]

Amendment **not** adopted as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Cuffe, Driscoll, Evans, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 41

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 59

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative McNutt moved to close Section B. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Miller,

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 2011

Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.
Total 30

Excused: Mehlhoff, Swanson.
Total 2

Absent or not voting: Loney.
Total 1

Representative Taylor thanked the pages.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Saturday, March 12, 2011. Motion carried.

House adjourned at 6:59 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FIFTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
March 12, 2011

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Beck. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Mehlhoff and Swanson, excused. Quorum present.

Roman, Kenley and Wyatt Zylawy provided musical entertainment for the House of Representatives.

MESSAGES FROM THE SENATE

House amendments to Senate bill concurred in: 3/11/2011

SB 19, introduced by Shockley

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/11/2011

HB 94, introduced by Arntzen

HB 327, introduced by McClafferty

House bills concurred in and returned to the House:

3/11/2011

HB 23, introduced by Furey

HB 118, introduced by Hunter

HB 119, introduced by Hendrick

HB 127, introduced by Noonan

House joint resolution concurred in and returned to the House:

3/11/2011

HJR 6, introduced by Connell

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 608, introduced by Stahl, referred to State Administration.

HB 609, introduced by MacLaren, Taylor, Reichner, referred to Business and Labor.

HOUSE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Randall in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Representative Belcourt moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-6.

Following: line 27

Insert: "a. Brand Rerecord (OTO)"
"63,876" [state special fund FY 2012]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Hands, Harris, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 67

Excused: None.
Total 0

Absent or not voting: Furey.
Total 1

HB 2 - Representative McNutt moved to close Section C. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli,

HOUSE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2011

Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Belcourt, Phillips, F. Smith.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Hiner moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-4.

Following: line 25

Insert: "b. Victim Information and Notification (OTO) 34,790 19,790" [general fund FY 2012 and 2013]

Amendment adopted as follows:

Yeas: Ankney, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kennedy, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 67

Nays: Arntzen, Bangerter, Blasdel, Blyton, Burnett, Edmunds, Esp, Flynn, Hale, Howard, Kary, Kerns, Knox, Knudsen, McGillvray, McNiven, More, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Rosendale, Skees, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 33

HOUSE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Brodehl moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-2, line 2.

Strike: "1,268,288 1,266,113" [general fund FY 2012 and 2013]

Insert: "1,266,764 1,264,589" [general fund FY 2012 and 2013]

Strike: "12,850 12,850" [state special fund FY 2012 and 2013]

Insert: "12,847 12,847" [state special fund FY 2012 and 2013]

Strike: "720,096 723,756" [federal special fund FY 2012 and 2013]

Insert: "719,623 723,283" [federal special fund FY 2012 and 2013]

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: McGillvray, Vance.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Hiner moved **HB 2**, second reading copy, be further amended as follows:

HOUSE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2011

1. Page D-5, line 2.

Strike: "73,435,468 73,488,148" [general fund FY 2012 and FY 2013]

Insert: "73,535,468 73,588,148" [general fund FY 2012 and FY 2013]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Hiner moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-4, line 27.

Strike: "58,313,406 58,554,173" [general fund FY 2012 and 2013]

Insert: "59,058,006 60,836,007" [general fund FY 2012 and 2013]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 34

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary,

HOUSE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2011

Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 66

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative McNutt moved to close Section D. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 85

Nays: B. Bennett, Boland, Court, Hands, Hunter, Malek, Mehlhoff, Phillips, Reinhart, Skattum, F. Smith, Swanson, Wilmer.

Total 13

Excused: None.

Total 0

Absent or not voting: B. Beck, Harris.

Total 2

Majority Leader McGillvray moved the committee rise. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

HOUSE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Monday, March 14, 2011. Motion carried.

House adjourned at 9:42 a.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FIFTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
March 14, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Connell. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Swanson, excused. Quorum present.

BILLS (O'Hara, Chairman):

3/14/2011

Correctly printed: **SB 59.**

Delivered to the Governor for approval at 8:55 a.m., March 14, 2011: **HB 17, HB 24, HB 58, HB 65, HB 96, HB 114, HB 156, HB 210, HB 263, HB 268, HB 307, HB 359.**

Examined by the sponsor and found to be correct: **HB 23, HB 53, HB 92, HB 93, HB 118, HB 127, HB 169, HB 233, HB 419, HJR 6.**

Correctly enrolled: **HB 23, HB 53, HB 79, HB 92, HB 93, HB 118, HB 119, HB 127, HB 169, HB 233, HB 419, HJR 6.**

Representative Warburton introduced the pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman):

3/14/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 12:00 p.m., Saturday, March 12, 2011:

TITLE

NAME

Pages:

Conner Menahan, Colstrip
Kate Jones, Red Lodge
Ann-Kristin Woestmann, Herne Germany
Jack Clark, Choteau
Kristin Schalk, Deer Lodge
Quincy Riordan, Butte
Michael Coulimore, Bridger

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, March 14, 2011:

TITLE

NAME

Pages:

Greg Rhines, Havre
Alaina Doiron, Deer Lodge
Danika Fabich, Anaconda

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

Heidi Breeden, Forsyth
Hannah Heckman, Choteau

Report Adopted.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Ingraham, Chairman): 3/11/2011
SB 59, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 3/12/2011

SB 81, introduced by Wanzenried
SB 338, introduced by Arthun

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/12/2011

HB 64, introduced by Stahl
HB 82, introduced by Sands

House bills concurred in and returned to the House:

3/12/2011

HB 53, introduced by Klock
HB 79, introduced by Evans
HB 92, introduced by Knudsen
HB 93, introduced by Furey
HB 169, introduced by Klock
HB 233, introduced by O'Hara
HB 419, introduced by Beck

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 610, introduced by Cook, referred to Appropriations.

The following Senate bills were introduced, read first time, and referred to committees:

SB 81, introduced by Wanzenried (by request of the Department of Justice), referred to Transportation.

SB 338, introduced by Arthun, referred to State Administration.

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative MacLaren in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Representative Esp moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-2.

Strike: line 26 in its entirety

2. Page E-2, line 27.

Strike: line 27 through "then the"

Insert: "The"

3. Page E-3, line 3.

Strike: "10,499,556 19,084,786" [general fund FY12 and FY13]

Insert: " 4,288,763 7,795,580" [general fund FY12 and FY13]

4. Page E-3.

Strike: line 14 through line 15

Amendment adopted as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 59

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 40

Excused: None.

Total 0

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

Absent or not voting: Evans.

Total 1

HB 2 - Representative Price moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-1.

Following: line 10

Insert: "d. National Board Certified Teachers (Restricted/OTO) 9,000 18,000"[general fund FY12 and FY13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

HB 2 - Representative Boland moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-4, line 3.

Strike: "1,385,289 1,386,513" [general fund FY 12 and FY 13]

Insert: "1,390,197 1,391,421" [general fund FY 12 and FY 13]

2. Page E-4, line 5.

Strike: "3,649,203 3,652,294" [general fund FY 12 and FY 13]

Insert: "3,729,119 3,732,210" [general fund FY 12 and FY 13]

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Warburton, Williams, Wilmer, Yates.
Total 38

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Mr. Speaker.
Total 61

Excused: None.
Total 0

Absent or not voting: Evans.
Total 1

HB 2 - Representative McClafferty moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-1, line 14.

Strike: "487,532,217 549,504,129" [general fund FY12 and FY13]

Insert: "487,938,467 550,043,397" [general fund FY12 and FY13]

2. Page E-1, line 16.

Strike: "40,362,884 40,362,884" [general fund FY12 and FY13]

Insert: "42,438,630 43,087,941" [general fund FY12 and FY13]

3. Page E-3, line 5.

Strike: line 5 in its entirety

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 37

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 61

Excused: None.

Total 0

Absent or not voting: Evans, McNutt.

Total 2

HB 2 - Representative McClafferty moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-1, line 4.

Strike: "8,738,230 8,743,606" [general fund FY 12 and FY 13]

Insert: "8,764,469 8,783,558" [general fund FY 12 and FY 13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 32

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 66

Excused: None.

Total 0

Absent or not voting: Evans, Phillips.

Total 2

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

HB 2 - Representative Mehlhoff moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-6, line 2.

Strike: "11,901,940 12,149,860" [general fund FY12 & FY13]

Insert: "12,151,940 12,399,860" [general fund FY12 & FY13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

HB 2 - Representative Mehlhoff moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-4, line 5.

Strike: "3,649,203 3,652,294" [general fund FY 12 and FY 13]

Insert: "3,676,141 3,679,232" [general fund FY 12 and FY 13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer, Yates.

Total 39

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 59

Excused: None.
Total 0

Absent or not voting: Evans, Mehlhoff.
Total 2

HB 2 - Representative Sands moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-5, line 17.

Strike: "285,881 285,754" [general fund FY12 & FY13]

Insert: "292,303 292,176" [general fund FY12 & FY13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 34

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 65

Excused: None.
Total 0

Absent or not voting: Evans.
Total 1

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

HB 2 - Representative Price moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-4, line 11.

Strike: "424,524 437,171" [general fund FY12 & FY13]

Insert: "433,297 445,255" [general fund FY12 & FY13]

Strike: "202,783 200,125" [state special fund FY12 & FY13]

Insert: "204,342 201,903" [state special fund FY12 & FY13]

2. Page E-4, line 15.

Strike: "798,296 798,672" [federal special fund FY12 & FY13]

Insert: "802,113 802,900" [federal special fund FY12 & FY13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Sands, Schmidt,

Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 35

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 64

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

HB 2 - Representative Sands moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-4, line 21.

Strike: "2,529,615 2,535,511" [general fund FY12 & FY13]

Insert: "2,597,195 2,602,967" [general fund FY12 & FY13]

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

2. Page E-4, line 21.

Strike: "763,323 763,323" [state special fund FY12 & FY13]

Insert: "803,498 803,498" [state special fund FY12 & FY13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

HB 2 - Representative B. Bennett moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-6, line 2.

Strike: "11,901,940 12,149,860" [general fund FY12 & FY13]

Insert: "12,008,940 12,256,860" [general fund FY12 & FY13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy,

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

HB 2 - Representative Stahl moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-6, line 14.

Strike: "131,914,650 131,602,215" [general fund FY12 & FY13]

Insert: "129,842,061 129,529,626" [general fund FY12 & FY13]

Amendment **not** adopted as follows:

Yeas: Ankney, Arntzen, B. Beck, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 49

Nays: Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Clark, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

HB 2 - Representative Warburton moved **HB 2**, second reading copy, be further amended as follows:

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

1. Page E-6, line 14.

Strike: "131,914,650 131,602,215" [general fund FY12 & FY13]

Insert: "132,114,650 131,802,215" [general fund FY12 & FY13]

Amendment **not** adopted as follows:

Yeas: Ankney, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Greef, Hands, Hansen, Harris, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Loney, MacDonald, McChesney, McClafferty, McNally, Mehlhoff, Noonan, O'Hara, Peterson, Phillips, Price, Read, Reinhart, Salomon, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Warburton, Welborn, Williams, Wilmer.

Total 46

Nays: Arntzen, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Esp, Flynn, Gibson, Hale, Hendrick, Hill, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, Malek, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Neil, Osmundson, Pease-Lopez, Randall, Regier, Reichner, Roberts, Rosendale, Sands, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Washburn, Yates, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

HB 2 - Representative Reinhart moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-6, line 14.

Strike: "131,914,650 131,602,215" [general fund FY12 & FY13]

Insert: "138,259,340 140,280,733" [general fund FY12 & FY13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 33

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns,

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 65

Excused: None.

Total 0

Absent or not voting: Evans, Noonan.

Total 2

HB 2 - Representative McChesney moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-6, line 6.

Strike: "9,840,354 9,797,486" [general fund FY12 & FY13]

Insert: "10,988,575 10,939,098" [general fund FY12 & FY13]

2. Page E-7, line 23.

Strike: "\$1,872"

Insert: "\$1,873"

3. Page E-7, line 24.

Following: "provides"

Strike: "45.8%"

Insert: "50.8%"

Following: "plus"

Strike: "45.8%"

Insert: "50.8%"

4. Page E-7, line 25.

Following: "and"

Strike: "45.8%"

Insert: "50.8%"

Following: "plus"

Strike: "45.8%"

Insert: "50.8%"

5. Page E-7, line 27.

Strike: "2,858"

Insert: "2,890"

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

6. Page E-8, line 1.

Strike: "2,808"

Insert: "2,838"

Amendment **not** adopted as follows:

Yeas: Ankney, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Connell, Court, Driscoll, Furey, Greef, Hands, Harris, Hill, Hiner, Hollenbaugh, Hunter, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Regier, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 43

Nays: Arntzen, Bangerter, G. Bennett, Blasdel, Blyton, Burnett, Clark, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: Cook, Evans.

Total 2

HB 2 - Representative Di. Barrett moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-6, line 14.

Strike: "131,914,650 131,602,215" [general fund FY 12 & FY 13]

Insert: "135,667,361 135,915,997" [general fundFY 12 & FY 13]

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith,

Squires, Swanson, Williams, Wilmer.

Total 33

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Gibson, Greef, Hale, Hansen,

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 66

Excused: None.
Total 0

Absent or not voting: Evans.
Total 1

HB 2 - Representative Belcourt moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-7, line 1.
Strike: "612,586 612,586" [general fund FY12 & FY13]
Insert: "842,085 842,085" [general fund FY12 & FY13]

Amendment **not** adopted as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Cuffe, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Warburton, Williams, Wilmer.
Total 40

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.
Total 59

Excused: None.
Total 0

Absent or not voting: Evans.
Total 1

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

HB 2 - Representative McNutt moved to close Section E. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

HB 2 - Representative McNutt moved **HB 2**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

HB 2 - Representative Stahl moved for cloture. Motion carried.

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman MacLaren moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith,

Squires, Stahl, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 611, introduced by Cook, Jones, referred to Appropriations.

HB 612, introduced by Roberts, referred to Appropriations.

HB 613, introduced by Roberts, referred to Appropriations.

MOTIONS

Representative McGillvray moved **HB 429** be moved from the Committee of the Whole Second Reading Board to the Human Services committee for the purpose of an amendment.

Representative McGillvray moved **SB 272** be moved from the Business and Labor committee to the Human Services committee. Representative Sesso objected.

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 14, 2011

Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 58

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Welborn, Williams.

Total 37

Excused: Swanson.

Total 1

Absent or not voting: Esp, Evans, MacLaren, Wilmer.

Total 4

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Tuesday, March 15, 2011. Motion carried.

House adjourned at 6:28 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FIFTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
March 15, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Wilmer. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Evans and Swanson, excused. Quorum present.

BILLS (O'Hara, Chairman): 3/15/2011

Correctly printed: **SB 268, SB 337.**

Correctly engrossed: **SB 149, SB 238.**

Correctly enrolled: **HB 62, HB 81, HB 86, HB 252.**

Examined by the sponsor and found to be correct: **HB 62, HB 79, HB 81, HB 86, HB 119, HB 252.**

REPORTS OF STANDING COMMITTEES

JUDICIARY (Peterson, Chairman): 3/14/2011
SB 149, be amended as follows:

1. Page 1, line 18.

Following: "to"

Insert: "
(i)"

Following: "loiters"

Insert: "; or
(ii) leave any area in which the person has loitered"

2. Page 1.

Following: line 18

Insert: "(2) Proof of the offense of predatory loitering must also include proof that the person in authority has made a report of the request to the law enforcement agency with jurisdiction over the area, and the agency has documented the report."

Renumber: subsequent subsections

3. Page 1, line 20.

Following: "both."

Insert: "A person convicted of a second or subsequent offense of predatory loitering may be fined not more than \$1,000 or be imprisoned for not more than 1 year, or both."

HOUSE JOURNAL
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 15, 2011

4. Page 1, line 23.

Following: "teacher,"

Insert: "school staff member, parent or other adult relative of a child attending the school or playground,"

5. Page 1, line 24.

Following: "official"

Insert: ", a church staff member, or a parent or other adult relative of a child attending the church"

And, as amended, be concurred in. Report adopted.

SB 238, be amended as follows:

1. Page 1, line 14.

Following: "costs"

Insert: "and attorney fees"

2. Page 1, line 15.

Following: "costs"

Insert: "and attorney fees"

3. Page 1, line 18.

Following: "costs"

Insert: "and attorney fees"

4. Page 2, line 1.

Following: "costs"

Insert: "and attorney fees"

And, as amended, be concurred in. Report adopted.

SB 268, be concurred in. Report adopted.

SB 337, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

3/14/2011

SB 237, introduced by Arthun

House bills concurred in and returned to the House:

3/14/2011

HB 62, introduced by MacLaren

HB 81, introduced by Roberts

HB 86, introduced by Wilmer

HOUSE JOURNAL
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 15, 2011

HB 252, introduced by Hoven

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/14/2011

HB 29, introduced by McNiven

HB 191, introduced by Flynn

MESSAGES FROM THE GOVERNOR

March 14, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 54** sponsored by Representative Vance and **House Bill 89** sponsored by Representative Ingraham on March 11, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 614, introduced by Miller, referred to Taxation.

HB 615, introduced by K. Williams, Ankney, Boland, Noonan, Di. Barrett, Belcourt, Loney, O'Hara, Blasdel, Reichner, Hollenbaugh, Blyton, Hill, Driscoll, referred to Business and Labor.

HB 616, introduced by Randall, Stahl, Warburton, Salomon, Esp, Beck, Blyton, Rosendale, Wagner, Hale, Osmundson, Hansen, Vance, Harris, Knudsen, referred to Taxation.

The following Senate bill was introduced, read first time, and referred to committee:

SB 237, introduced by Arthun, Wagner, Zinke, Clark, Murphy, Kerns, De. Barrett, Hutton, Salomon, Harris, Brown, Steinbeisser, Brenden, Jones, Ripley, referred to Agriculture.

HOUSE JOURNAL
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 15, 2011

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Williams, Wilmer.

Total 32

Excused: Evans, Swanson.

Total 2

Absent or not voting: None.

Total 0

Representative Hollandsworth introduced the Montana School of the Deaf and Blind and their group Expressions of Silence, who performed several songs.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Knox in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 386 - Representative Stahl moved **HB 386** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll,

HOUSE JOURNAL
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 15, 2011

Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 36 - Representative K. Peterson moved **SB 36** be concurred in.

SB 36 - Representative K. Peterson moved **SB 36**, second reading copy, be amended as follows:

1. Title, page 1, line 8.

Strike: "PROHIBITING"

Insert: "ALLOWING"

2. Page 1, line 18.

Strike: "NOT"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

HOUSE JOURNAL
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 15, 2011

Nays: Skattum.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 36 - Representative K. Peterson moved **SB 36**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 63 - Senate Amendments - Representative Noonan moved Senate amendments to **HB 63** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale,

HOUSE JOURNAL
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 15, 2011

Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

Nays: Arntzen, Bangerter, Burnett, Kary, McGillvray, Peterson, Skattum, C. Smith.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 106 - Representative Kerns moved **SB 106** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 126 - Senate Amendments - Representative Hansen moved Senate amendments to **HB 126** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller,

HOUSE JOURNAL
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 15, 2011

Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: More.

Total 1

HB 187 - Senate Amendments - Representative Connell moved Senate amendments to **HB 187** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Burnett, More.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 327 - Senate Amendments - Representative McClafferty moved Senate amendments to **HB 327** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock,

HOUSE JOURNAL
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 15, 2011

Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 72

Nays: Blasdel, Blyton, Cuffe, Edmunds, Esp, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Kary, Kennedy, Kerns, Knox, Lavin, Miller, More, O'Neil, Randall, Reichner, Skattum, Skees, C. Smith, Vance, Wagner, Warburton.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 47 - Senate Amendments - Representative K. Peterson moved Senate amendments to **HB 47** be concurred in.

HB 47 - Senate Amendments - Representative K. Peterson withdrew his motion.

HB 47 - Senate Amendments - Representative K. Peterson moved Senate amendments to **HB 47** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 85

Nays: Evans, Hale, Hansen, Hoven, Knudsen, Loney, MacLaren, More, Noonan, O'Neil, Randall, Roberts, F. Smith, Wagner, Warburton.
Total 15

Excused: None.
Total 0

HOUSE JOURNAL
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 15, 2011

Absent or not voting: None.

Total 0

HB 458 - Representative Welborn moved **HB 458** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Read.

Total 1

HB 567 - Representative Reichner moved **HB 567** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Ankney, Belcourt, Boland, Hoven, Kary, Roberts.

Total 6

Excused: None.

Total 0

HOUSE JOURNAL
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 15, 2011

Absent or not voting: None.

Total 0

SB 34 - Representative MacLaren moved **SB 34** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Knox moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 86

Nays: B. Bennett, Boland, Hill, Noonan, Phillips, Reinhart, Schmidt, F. Smith, Squires, Williams, Wilmer.

Total 11

HOUSE JOURNAL
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 15, 2011

Excused: Evans, Swanson.

Total 2

Absent or not voting: Knox.

Total 1

MOTIONS

Representative McGillvray moved **HB 567** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved to appoint a Conference Committee on **HB 47** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

3/15/2011

Representative K. Peterson

Representative Kennedy

Representative Phillips

Representative Esp rose on a point of personal privilege to apologize for making the motion out of order.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Wednesday, March 16, 2011. Motion carried.

House adjourned at 2:38 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
FIFTY-NINTH LEGISLATIVE DAY**

Helena, Montana
March 16, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Greef. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Swanson, excused. Quorum present.

BILLS (O'Hara, Chairman):

3/16/2011

Correctly printed: **HB 8, SB 115, SB 118, SB 159, SB 223, SB 351.**

Correctly engrossed: **HB 3, HB 4, SB 136.**

Correctly enrolled: **HB 78, HB 98, HB 120, HB 176, HB 287, HB 356, HB 367, HB 399.**

Examined by the sponsor and found to be correct: **HB 78, HB 98, HB 120, HB 287, HB 356, HB 367, HB 399.**

Signed by the Chief Clerk of the House at 4:45 p.m., March 16, 2011: **HB 23, HB 53, HB 79, HB 92, HB 93, HB 118, HB 119, HB 127, HB 169, HB 233, HB 419, HJR 6.**

Signed by the Chief Clerk of the House at 4:40 p.m., March 16, 2011: **HB 62, HB 81, HB 86, HB 252.**

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):

3/15/2011

HB 3, introduced bill, be amended as follows:

1. Page 1.

Following: line 16

Insert: "Commissioner of Political Practices

Hearing and Legal Costs \$88,500 General Fund"

2. Page 1, line 18.

Strike: "\$300,000"

Insert: "\$510,000"

3. Page 1, line 19.

Strike: "\$330,000"

Insert: "\$356,000"

4. Page 1, line 20 through line 21.

Strike: line 20 through line 21 in their entirety

5. Page 1, line 23.

Strike: "\$850,000"

Insert: "\$1,200,000"

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HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

6. Page 1.

Following: line 23

Insert: "Death Penalty Cases \$150,000 General Fund"

And, as amended, do pass. Report adopted.

HB 4, introduced bill, be amended as follows:

1. Page 1.

Following: line 20

Insert: "Supreme Court Operations

State court improvement training program FY 2011 \$101,517 Federal

State court improvement data program FY 2011 \$102,394 Federal

All remaining fiscal year 2011 federal budget amendment authority for the state court improvement training program and the state court improvement data program is authorized to continue into federal fiscal year 2013."

2. Page 2.

Following: line 4

Insert: "State Auditor's Office

Insurance

Consumer assistance program grant FY 2011 \$149,880 Federal

All remaining fiscal year 2011 federal budget amendment authority for the consumer assistance program grant is authorized to continue into state fiscal year 2012."

3. Page 2, line 8 through line 9.

Strike: "education" on line 8 through "agencies" on line 9

Insert: "Title II-D education technology and the Title I-A grants"

4. Page 2, line 11.

Strike: "the school improvement grants program"

Insert: "Title I-A improvements"

5. Page 2, line 20.

Strike: "Judiciary"

Insert: "Department of Justice"

6. Page 3.

Following: line 16

Insert: "Missouri River drug task force overtime funding

FY 2011 \$5,336 Federal

All remaining fiscal year 2011 federal budget amendment authority for the Missouri River drug task force overtime funding is authorized to continue into state fiscal year 2012."

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

7. Page 3.

Following: line 18

Insert: "Forensic Science Division

Forensic DNA backlog reduction program FY 2011 \$150,000 Federal

All remaining fiscal year 2011 federal budget amendment authority for the forensic DNA backlog reduction program is authorized to continue into state fiscal year 2013."

8. Page 3.

Following: line 22

Insert: "Montana Arts Council

Promotion of the Arts Division

Poetry out loud competitions FY 2011 \$5,700 Federal

All remaining fiscal year 2011 federal budget amendment authority for the state arts plan, arts education, and arts in underserved communities is authorized to continue into state fiscal year 2012."

9. Page 3.

Following: line 24

Insert: "Library Services and Technology Act grant FY 2011 \$135,000 Federal"

10. Page 3, line 25.

Following: the first "for"

Insert: "the Library Services and Technology Act grant,"

11. Page 3, line 26.

Following: the first "grant"

Insert: ", "

12. Page 4.

Following: line 10

Insert: "Cultural resource annotated bibliography system and the cultural resources information system FY 2011 \$5,000 Federal

All remaining fiscal year 2011 federal budget amendment authority for the cultural resources annotated bibliography system and the cultural resources information system is authorized to continue into state fiscal year 2012."

13. Page 4, line 11.

Following: "for"

Insert: "the preserve America grant program and"

14. Page 4, line 15.

Following: "for"

Insert: "the structural analysis on the Chadbourne diversion,"

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

15. Page 4, line 18 through line 19.

Following: "inventory," on line 18

Insert: "and"

Strike: ", and" on line 18 through "Creek" on line 19

16. Page 4.

Following: line 21

Insert: "All remaining fiscal year 2011 federal budget amendment authority to restore a fish passage at a railroad culvert on Rock Creek is authorized to continue into state fiscal year 2013."

17. Page 4, line 22.

Following: "for"

Insert: "the Madison River angler and boat survey, the challenge cost share agreement with the United States forest service,"

18. Page 4, line 29.

Following: "the"

Insert: "forest service turn in poachers Montana program and the bureau of land management"

19. Page 5, line 2.

Following: "authority"

Insert: "for the grassland bird conservation on working landscapes: spacial analysis linking populations to habitat,"

20. Page 5, line 3.

Following: "ecosystem"

Insert: ", "

21. Page 5, line 7.

Following: "for"

Insert: "the 2008 legacy administration grant, evaluating sage grouse and habitat responses to sage grouse-friendly livestock grazing strategies,"

22. Page 5.

Following: line 11

Insert: "Middle and North Fork Flathead River weed project FY 2011 \$13,650Federal"

23. Page 5, line 12.

Following: "for"

Insert: "the Middle and North Fork Flathead River weed project,"

24. Page 5, line 13.

Following: "partnership"

Insert: ", "

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

25. Page 5.

Following: line 16

Insert: "All remaining fiscal year 2011 federal budget amendment authority for Narrows Creek native fish spawning, the Skelly Gulch fish barrier, the Montana outdoor discovery center development, and the Elkhorn Creek fish barrier is authorized to continue into state fiscal year 2012."

26. Page 5.

Following: line 18

Insert: "All remaining fiscal year 2011 federal budget amendment authority for the Cherry Creek westslope cutthroat restoration is authorized to continue into state fiscal year 2013."

27. Page 5, line 19.

Following: "for"

Insert: "the forest service legacy Murray Douglas conservation easement grant,"

28. Page 5, line 27.

Following: "for"

Insert: "the crucial areas and connectivity assessment and training and"

29. Page 5.

Following: line 28

Insert: "All remaining fiscal year 2011 federal budget amendment authority for the data integration and collaborative services for crucial areas assessments and the Montana pass-through component of the state wildlife grant for tracking and reporting actions for conservation of species is authorized to continue into state fiscal year 2013."

All remaining fiscal year 2011 federal budget amendment authority for the comprehensive conservation plan for Montana is authorized to continue into federal fiscal year 2013."

30. Page 5.

Following: line 29

Insert: "Central Management Program

All remaining fiscal year 2011 federal budget amendment authority for the federal fiscal year 2010 exchange network is authorized to continue into federal fiscal year 2012."

31. Page 6, line 22.

Following: "for"

Insert: "the superfund state site,"

32. Page 6, line 23.

Following: "project"

Insert: ", "

33. Page 7.

Following: line 4

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

Insert: "General Operations Program

All remaining fiscal year 2011 federal budget amendment authority for the federal highway administration on-the-job training supportive services program for the Salish Kootenai college and the federal highway administration on-the-job training supportive services program for the Fort Peck community college is authorized to continue into federal fiscal year 2013."

34. Page 7.

Following: line 20

Insert: "Conservation and Resource Development Division

All remaining fiscal year 2011 federal budget amendment authority for the safe drinking water state revolving fund and the clean water state revolving fund is authorized to continue into federal fiscal year 2013.

All remaining fiscal year 2011 federal budget authority authorized by the 61st legislature in section 85, Chapter 489, Laws of 2009, for the Montana clean water state revolving fund and the Montana drinking water state revolving fund is authorized to continue into federal fiscal year 2013."

35. Page 7, line 22.

Following: "for"

Insert: "the digital flood insurance rate map for Yellowstone County and"

36. Page 8.

Following: line 1

Insert: "Providing technical assistance in forest-based conservation and enhancement to landowners, residents, and organizations within the state of Montana FY 2011\$75,000 Federal"

37. Page 8, line 2.

Following: "for"

Insert: "providing technical assistance in forest-based conservation and enhancement to landowners, residents, and organizations within the state of Montana, the Montana cooperative fire protection agreement,"

38. Page 8, line 9.

Following: "for"

Insert: "the hazardous fuels grant, the forest restoration grant,"

39. Page 8, line 11.

Following: "on"

Insert: "adjacent"

40. Page 8, line 14.

Following: "authority"

Insert: "for the aerial fire depot,"

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

41. Page 8, line 15.

Following: "purposes"

Insert: ", "

42. Page 8.

Following: line 29

Insert: "Federal fiscal year 2011 specialty crop block grant program farm bill activities FY 2011
\$292,954.47 Federal"

43. Page 9, line 2.

Following: "the"

Insert: "federal fiscal year 2011 specialty crop block grant program farm bill activities and the
federal fiscal year 2010"

44. Page 9.

Following: line 7

Insert: "Secure Custody Facilities
State criminal alien assistance program FY 2011
\$26,092 Federal"

45. Page 9.

Following: line 9

Insert: "Small Business Jobs Act program FY 2011 \$325,000 Federal"

46. Page 9.

Following: line 12

Insert: "All remaining fiscal year 2011 federal budget amendment authority for the Small Business
Jobs Act program is authorized to continue into state fiscal year 2013."

47. Page 10.

Following: line 23

Insert: "Emergency operations center FY 2011 \$1,700,000 Federal"

48. Page 11.

Following: line 1

Insert: "Support for pregnant and parenting teens FY 2011 \$1,000,000 Federal"

49. Page 11.

Following: line 4

Insert: "All remaining fiscal year 2011 federal budget amendment authority for support for
pregnant and parenting teens is authorized to continue into state fiscal year 2012."

50. Page 11, line 5.

Following: "for"

Insert: "the weatherization assistance program,"

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

51. Page 11, line 6.

Following: "fund"

Insert: ", "

52. Page 11, line 13.

Following: "for"

Insert: "the early learning state advisory council, the child care wellness program grant, and"

53. Page 12, line 2.

Following: "authority"

Insert: "for the Medicare Improvements for Patients and Providers Act for priority area 2, for the Medicare Improvements for Patients and Providers Act for priority area 3, and"

54. Page 12.

Following: line 3

Insert: "All remaining fiscal year 2011 federal budget amendment authority for the Medicare Improvements for Patients and Providers Act is authorized to continue into federal fiscal year 2012."

And, as amended, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman):

3/15/2011

SB 115, be concurred in. Report adopted.

SB 118, be concurred in. Report adopted.

SB 136, be amended as follows:

1. Page 7, line 27.

Following: "Montana"

Insert: "or documentation that the applicant was born to parents who were residents at the time of birth"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/15/2011

HB 78, introduced by Cook

HB 98, introduced by Welborn

HB 120, introduced by McGillvray

HB 176, introduced by Kary

HB 287, introduced by Clark

HB 356, introduced by Hiner

HB 367, introduced by MacLaren

HB 399, introduced by Arntzen

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

3/15/2011

HB 171, introduced by Ingraham

Senate bill passed and transmitted to the House for concurrence:

3/15/2011

SB 385, introduced by Caferro

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 617, introduced by McClafferty, Driscoll, K. Williams, Belcourt, Hollenbaugh, Malek, McChesney, Sands, Hiner, Squires, referred to Fish, Wildlife and Parks.

HB 618, introduced by Pease-Lopez, referred to Taxation.

HB 619, introduced by Ankney, referred to Appropriations.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 23, introduced by Hollandsworth, referred to Appropriations.

The following Senate bill was introduced, read first time, and referred to committee:

SB 385, introduced by Caferro, referred to Education.

Representative Williams rose on a point of personal privilege to introduce Patrick Casey and read the following proclamation:

**A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA RECOGNIZING THE
RUNNING ACCOMPLISHMENTS OF PATRICK CASEY:**

WHEREAS, Patrick Casey, a native of Laurel, Montana, has been a high school running champion, a top NCAA runner at Montana State University, and a USA Track and Field Champion; and

WHEREAS, Patrick Casey has been named an All-American track and field athlete; and

WHEREAS, a 4-minute mile has long been regarded as the Gold Standard of Middle Distance Running; and

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

WHEREAS, on February 4, 2011, Patrick Casey ran the One Mile Run in Bozeman's Brick Breeden Fieldhouse in 3 minutes, 59.76 seconds; and

WHEREAS, Patrick Casey has officially become the first runner to break the 4-minute mile in Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: That Patrick Casey of Laurel, Montana, is hereby officially recognized by the Montana Legislature for his outstanding athletic achievement in running the first "Sub-4 Minute Mile in Montana."

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bangerter in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 28 - Representative Noonan moved **SB 28** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Howard, Kennedy, Read, Warburton.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

SB 32 - Representative Reinhart moved **SB 32** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Hoven.

Total 1

HB 286 - Representative Clark moved **HB 286** do pass.

HB 286 - Representative Clark moved **HB 286**, second reading copy, be amended as follows:

1. Page 9, line 4.

Strike: "shall"

Insert: "may"

Amendment adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Blasdel, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wilmer, Yates, Mr. Speaker.

Total 81

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

Nays: Ankney, Belcourt, G. Bennett, Berry, Blyton, Edmunds, Esp, Hollenbaugh, Kary, Kennedy, Malek, McClafferty, Pease-Lopez, Warburton, Washburn, Williams.
Total 16

Excused: None.
Total 0

Absent or not voting: Connell, Wagner, Welborn.
Total 3

HB 286 - Representative Clark moved **HB 286**, as amended, do pass. Motion **failed** as follows:

Yeas: B. Beck, G. Bennett, Blasdel, Blyton, Clark, Cook, Esp, Hale, Harris, Hollandsworth, Howard, McNutt, More, O'Hara, Osmundson, Peterson, Randall, Read, Stahl, Warburton, Welborn, Yates.
Total 22

Nays: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Burnett, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Washburn, Williams, Wilmer, Mr. Speaker.
Total 78

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 189 - Representative Di. Barrett moved **HB 189** do pass.

HB 189 - Representative Regier moved **HB 189**, second reading copy, be amended as follows:

1. Page 5, line 17.
Strike: "7.69%"
Insert: "8.15%"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef,

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 189 - Representative Hoven moved **HB 189**, second reading copy, be further amended as follows:

1. Title, page 1, line 12.

Strike: "30"

Insert: "35"

2. Page 4, line 3.

Following: "means"

Insert: "."

Insert: "(a) for a tier one member,"

3. Page 4, line 4.

Following: "in the benefits"

Insert: "; (b) for a tier two member, an age no earlier than 62 years of age, with the right to receive immediate retirement benefits without an actuarial reduction in the benefits"

4. Page 8, line 10.

Strike: "60"

Insert: "65"

5. Page 8, line 11.

Strike: "25"

Insert: "30"

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

6. Page 8, line 12.

Strike: "55"

Insert: "62"

7. Page 8, line 13.

Strike: "30"

Insert: "35"

8. Page 8, line 24.

Strike: "55"

Insert: "62"

9. Page 9, line 15.

Strike: "2%"

Insert: "1.75%"

Amendment adopted as follows:

Yeas: Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 54

Nays: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, Boland, Court, Cuffe, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Ingraham, Klock, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 189 - Representative O'Neil moved **HB 189**, second reading copy, be further amended as follows:

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

1. Title, page 1, line 7.

Following: "RETIREMENT SYSTEM;"

Insert: "ALLOWING THE LEGISLATURE TO ADJUST RETIREMENT FUNDING AND
BENEFIT PROVISIONS FOR TIER TWO MEMBERS;"

2. Title, page 1, line 16.

Following: "19-20-101,"

Insert: "19-20-104,"

3. Page 5, line 11.

Following: line 10

Insert: "**Section 2.** Section 19-20-104, MCA, is amended to read:

"19-20-104. Guarantee by state. (1) Regular interest charges payable, the creation and maintenance of reserves in the pension accumulation account, and the maintenance of accumulated contributions in the annuity savings account, as provided for in this chapter, and the payment of all retirement allowances, refunds, and other benefits granted under the retirement system are obligations of the state of Montana.

(2) The legislature may amend any provision of this chapter as it pertains to tier two members and as it is necessary to fund the system on an actuarially sound basis."

Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: B. Beck, Blasdel, Blyton, Burnett, Clark, Connell, Cuffe, Edmunds, Esp, Evans, Flynn, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 42

Nays: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Ingraham, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 57

Excused: None.

Total 0

Absent or not voting: Small.

Total 1

HB 189 - Representative Di. Barrett moved **HB 189**, as amended, do pass. Motion **failed** as follows:

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

Yeas: B. Beck, Belcourt, Boland, Cook, Driscoll, Edmunds, Fitzpatrick, Hands, Harris, Hill, Hollandsworth, Hunter, Knox, MacDonald, McChesney, McClafferty, McNally, Menahan, O'Hara, Osmundson, Pease-Lopez, Price, Read, Regier, Reinhart, Salomon, Sands, Schmidt, Sesso, Swanson, Williams, Wilmer.

Total 32

Nays: Ankney, Arntzen, Bangerter, Barrett, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hansen, Hendrick, Hiner, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacLaren, Malek, McGillvray, McNiven, McNutt, Miller, More, Noonan, O'Neil, Peterson, Phillips, Randall, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Excused: None.

Total 0

Absent or not voting: Mehlhoff.

Total 1

SB 38 - Representative K. Williams moved **SB 38** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates.

Total 94

Nays: Brodehl, More, Reichner, Stahl, Welborn, Mr. Speaker.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

arose. House resumed. Mr. Speaker in the chair. Chairman Bangerter moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: B. Bennett, Court, Furey, Hands, Hill, Malek, McChesney, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Swanson.

Total 20

Excused: None.

Total 0

Absent or not voting: Boland, Evans, Peterson.

Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 63 passed as follows:

Yeas: Ankney, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Flynn, Furey, Greef, Hale, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: Arntzen, Bangerter, Burnett, Esp, Harris, Hendrick, McGillvray, Reichner, Skattum, C.

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

Smith.
Total 10

Excused: Swanson.
Total 1

Absent or not voting: Belcourt, Boland, Evans, Gibson, Hansen, Peterson.
Total 6

HB 126 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 93

Nays: None.
Total 0

Excused: Swanson.
Total 1

Absent or not voting: Belcourt, Boland, Evans, Gibson, Hansen, Peterson.
Total 6

HB 187 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Flynn, Furey, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 91

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

Nays: Burnett, Esp.

Total 2

Excused: Swanson.

Total 1

Absent or not voting: Belcourt, Boland, Evans, Gibson, Hansen, Peterson.

Total 6

HB 327 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Furey, Greef, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Taylor, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 66

Nays: G. Bennett, Blasdel, Blyton, Cuffe, Edmunds, Esp, Fitzpatrick, Flynn, Hale, Harris, Howard, Kary, Kennedy, Kerns, Knox, Lavin, Miller, More, O'Neil, Randall, Read, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Washburn.

Total 28

Excused: Swanson.

Total 1

Absent or not voting: Belcourt, Evans, Gibson, Hansen, Peterson.

Total 5

HB 386 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

Nays: None.

Total 0

Excused: Swanson.

Total 1

Absent or not voting: Belcourt, Evans, Hansen, Peterson, Salomon.

Total 5

HB 458 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Reichner, Roberts.

Total 2

Excused: Swanson.

Total 1

Absent or not voting: Belcourt, Evans, Hansen, Peterson.

Total 4

SB 34 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

Nays: None.

Total 0

Excused: Swanson.

Total 1

Absent or not voting: Belcourt, Evans, Hansen, Kennedy, Peterson.

Total 5

SB 106 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.

Total 30

Excused: Swanson.

Total 1

Absent or not voting: Belcourt, Evans, Hansen, Peterson.

Total 4

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):

3/16/2011

HB 5, introduced bill, be amended as follows:

1. Page 1, line 14.

Strike: "10"

Insert: "12"

2. Page 1, line 17.

Following: "construction,"

Insert: "environmental cleanup,"

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

Following: "renovation,"

Insert: "software development,"

3. Page 1, line 18.

Strike: "10"

Insert: "12"

4. Page 4, line 7.

Strike: "1,274,000 [in both places]"

Insert: "274,000 [in both places]"

5. Page 6, line 13.

Insert: "NEW SECTION. Section 5. Environmental cleanup appropriation. The following money is appropriated to the department of environmental quality in the indicated amount for the restricted purpose of paying Montana's share of the liability associated with the KRY site:

Project	LRBP Fund	State Special Revenue	Federal Special Revenue	Other Special Revenue	Authority Funding Sources	Total Only
KRY cleanup	6,000,000					6,000,000"

Insert: "NEW SECTION. Section 6. Legislative branch information technology capital projects appropriation. (1) There is appropriated to the legislative services division \$5,975,000 from the long-range information technology program account in the capital projects fund type for the purpose of software development, consolidation, and replacement of legacy systems, which are responsible for production of the Montana Code Annotated, bills, amendments, journals of the house of representatives and the senate, and legislative minutes.

(2) Before encumbering any funds appropriated in subsection (1), the legislative services division shall submit a project plan to the legislative branch computer system planning council for approval or disapproval. The legislative branch computer system planning council shall promptly review the plan and, if necessary, make timely recommendations to the legislative services division regarding implementation of the plan.

(3) The legislative services division shall provide updates to the legislative council regarding the implementation of the capital projects funded under this section."

Renumber: subsequent sections

6. Page 7, line 14.

Strike: "\$11,685,622"

Insert: "\$10,685,622"

7. Page 7, line 17.

Strike: "9"

Insert: "11"

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

8. Page 7, line 18.

Strike: "9"

Insert: "11"

And, as amended, do pass. Report adopted.

HB 6, introduced bill, be amended as follows:

1. Page 1, line 19.

Following: ";

Insert: "and"

2. Page 1, line 20 through line 21.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

3. Page 1, line 23 through line 25.

Strike: "; and" on line 23 through "biennium" on line 25

4. Page 1, line 27.

Strike: "\$5,780,000"

Insert: "\$6,260,000"

5. Page 3, line 20 through line 21.

Strike: line 20 through line 21 in their entirety

6. Page 4, line 30 through page 5, line 1.

Strike: "page 4, line 30 through page 5, line 1 in their entirety

7. Page 5, line 27.

Strike: "\$32,000"

Insert: "\$63,000"

8. Page 6, line 18.

Following: line 17

Insert: "Montana Department of Fish, Wildlife, and Parks
(Chadbourne Diversion Dam Repair and Selective Fish Passage Retrofits) \$99,500
Department of Natural Resources and Conservation--Water Resource Division
(East Fork Rock Creek Diversion and Fish Screen) \$100,000"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

HB 7, introduced bill, be amended as follows:

1. Page 1, line 17.

Strike: "\$6,049,000"

Insert: "\$5,883,800"

2. Page 3, line 19.

Strike: "\$300,000"

Insert: "\$134,800"

3. Page 4, line 3.

Strike: "Coordination of reverted funds from specific projects"

Insert: "Termination of previous project -- appropriation"

4. Page 4, line 3 through line 5.

Strike: "department" on line 3 through "termination" on line 5

Insert: "appropriation for and authorization"

5. Page 4, line 6.

Following: "2005,"

Strike: "to implement measures "

Insert: "are terminated. For the 2013 biennium, the amount of \$300,000 is appropriated to the department of natural resources and conservation"

And, as amended, do pass. Report adopted.

HB 8, do pass. Report adopted.

HB 9, introduced bill, be amended as follows:

1. Page 1, line 24.

Strike: "\$694,976"

Insert: "\$666,299"

2. Page 2, line 8.

Strike: "\$15,000"

Insert: "\$14,220"

3. Page 2, line 9.

Strike: "\$10,000"

Insert: "\$9,480"

4. Page 2, line 10.

Strike: "\$7,000"

Insert: "\$6,636"

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

5. Page 2, line 11.

Strike: "\$8,009"

Insert: "\$7,593"

6. Page 2, line 12.

Strike: "\$7,500"

Insert: "\$7,110"

7. Page 2, line 13.

Strike: "\$9,000"

Insert: "\$8,532"

8. Page 2, line 14.

Strike: "\$5,000"

Insert: "\$4,740"

9. Page 2, line 15.

Strike: "\$7,500"

Insert: "\$7,110"

10. Page 2, line 16.

Strike: "\$10,000"

Insert: "\$9,480"

11. Page 2, line 17.

Strike: "\$9,000"

Insert: "\$8,532"

12. Page 2, line 18.

Strike: "\$5,000"

Insert: "\$4,740"

13. Page 2, line 19.

Strike: "\$5,000"

Insert: "\$4,740"

14. Page 2, line 20.

Strike: "\$5,000"

Insert: "\$4,740"

15. Page 2, line 21.

Strike: "\$7,500"

Insert: "\$7,110"

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

16. Page 2, line 22.

Strike: "\$8,000"

Insert: "\$7,584"

17. Page 2, line 26.

Strike: "\$5,000"

Insert: "\$4,740"

18. Page 2, line 27.

Strike: "\$5,000"

Insert: "\$4,740"

19. Page 2, line 28.

Strike: "\$5,000"

Insert: "\$4,740"

20. Page 3, line 8.

Strike: "\$15,000"

Insert: "\$14,220"

21. Page 3, line 9.

Strike: "\$10,112"

Insert: "\$9,586"

22. Page 3, line 10.

Strike: "\$15,000"

Insert: "\$14,220"

23. Page 3, line 11.

Strike: "\$15,000"

Insert: "\$14,220"

24. Page 3, line 12.

Strike: "\$12,500"

Insert: "\$11,850"

25. Page 3, line 13.

Strike: "\$16,000"

Insert: "\$15,168"

26. Page 3, line 14.

Strike: "\$15,000"

Insert: "\$14,220"

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

27. Page 3, line 15.

Strike: "\$13,000"

Insert: "\$12,324"

28. Page 3, line 16.

Strike: "\$12,000"

Insert: "\$11,376"

29. Page 3, line 17.

Strike: "\$16,000"

Insert: "\$15,168"

30. Page 3, line 18.

Strike: "\$13,000"

Insert: "\$12,324"

31. Page 3, line 19.

Strike: "\$12,000"

Insert: "\$11,376"

32. Page 3, line 20.

Strike: "\$15,000"

Insert: "\$14,220"

33. Page 3, line 21.

Strike: "\$12,500"

Insert: "\$11,850"

34. Page 3, line 22.

Strike: "\$12,000"

Insert: "\$11,376"

35. Page 3, line 23.

Strike: "\$12,000"

Insert: "\$11,376"

36. Page 3, line 24.

Strike: "\$12,000"

Insert: "\$11,376"

37. Page 3, line 25.

Strike: "\$12,000"

Insert: "\$11,376"

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

38. Page 3, line 26.

Strike: "\$12,000"

Insert: "\$11,376"

39. Page 3, line 27.

Strike: "\$10,000"

Insert: "\$9,480"

40. Page 3, line 28.

Strike: "\$12,000"

Insert: "\$11,376"

41. Page 3, line 29.

Strike: "\$8,000"

Insert: "\$7,584"

42. Page 3, line 30.

Strike: "\$5,000"

Insert: "\$4,740"

43. Page 4, line 1.

Strike: "\$8,000"

Insert: "\$7,584"

44. Page 4, line 2.

Strike: "\$10,000"

Insert: "\$9,480"

45. Page 4, line 3.

Strike: "\$8,000"

Insert: "\$7,584"

46. Page 4, line 4.

Strike: "\$7,500"

Insert: "\$7,110"

47. Page 4, line 5.

Strike: "\$7,500"

Insert: "\$7,110"

48. Page 4, line 6.

Strike: "\$5,000"

Insert: "\$4,740"

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

49. Page 4, line 7.

Strike: "\$7,500"

Insert: "\$7,110"

50. Page 4, line 8.

Strike: "\$8,000"

Insert: "\$7,584"

51. Page 4, line 9.

Strike: "\$8,000"

Insert: "\$7,584"

52. Page 4, line 10.

Strike: "\$6,000"

Insert: "\$5,688"

53. Page 4, line 11.

Strike: "\$8,000"

Insert: "\$7,584"

54. Page 4, line 12.

Strike: "\$5,000"

Insert: "\$4,740"

55. Page 4, line 13.

Strike: "\$8,000"

Insert: "\$7,584"

56. Page 4, line 14.

Strike: "\$8,000"

Insert: "\$7,584"

57. Page 4, line 16.

Strike: "\$5,000"

Insert: "\$4,740"

58. Page 4, line 22.

Strike: "\$16,375"

Insert: "\$15,524"

59. Page 4, line 23.

Strike: "\$5,000"

Insert: "\$4,740"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

APPROPRIATIONS (McNutt, Chairman):
HB 375, introduced bill, be amended as follows:

3/15/2011

1. Title, page 1, line 5.

Strike: "SECTIONS"

Insert: "SECTION"

2. Title, page 1, line 6.

Following: "15-1-122,"

Strike: "17-1-511," through "87-2-803,"

3. Title, page 1, line 6.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

4. Page 1, line 17.

Strike: "1.332%"

Insert: "1.258%"

5. Page 1, line 21.

Strike: "1.35%"

Insert: "1.50%"

6. Page 1, line 24.

Strike: "0.414%"

Insert: "0.437%"

7. Page 2, line 10.

Strike: "0.576%"

Insert: "0.64%"

8. Page 2, line 13.

Strike: "0.27%"

Insert: "0.30%"

9. Page 2, line 28 through page 8, line 26.

Strike: section 2 through section 5 in their entirety

Renumber: subsequent sections

10. Page 9, line 3.

Following: line 2

Insert: "NEW SECTION. **Section 4. Termination.** [This act] terminates June 30, 2015."

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 16, 2011

BUSINESS AND LABOR (Arntzen, Chairman):

3/16/2011

SB 159, be concurred in. Report adopted.

SB 223, be concurred in. Report adopted.

SB 351, be concurred in. Report adopted.

SB 352, be amended as follows:

1. Page 2, line 13.

Strike: "solely"

2. Page 2, line 18.

Strike: "MAY" through "OLDER"

Insert: "established for an insured's adverse loss experience may not use more than the most recent 5 years of claims history that is available"

3. Page 4, line 13.

Following: "MAY"

Insert: "not"

Strike: "NO"

Following: "THAN"

Insert: "the most recent"

Following: "EXPERIENCE"

Insert: "that is available"

And, as amended, be concurred in. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Thursday, March 17, 2011. Motion carried.

House adjourned at 3:12 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SIXTIETH LEGISLATIVE DAY**

Helena, Montana
March 17, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Driscoll. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Reichner and Swanson, excused. Quorum present.

BILLS (O'Hara, Chairman):

3/17/2011

Correctly printed: **HB 15, HB 51, SB 3, SB 179, SB 213.**

Correctly engrossed: **HB 5, HB 6, HB 7, HB 9, HB 10, HB 375, HB 513, SB 156, SB 221, SB 307, SB 352.**

Correctly enrolled: **HB 28, HB 37, HB 63, HB 70, HB 126, HB 187, HB 327, HB 426.**

Examined by the sponsor and found to be correct: **HB 28, HB 37, HB 70, HB 126, HB 176, HB 187, HB 426.**

Signed by the Speaker at 2:26 p.m., March 17, 2011: **HB 78, HB 98, HB 120, HB 176, HB 287, HB 356, HB 367, HB 399.**

Signed by the Chief Clerk of the House at 12:00 p.m., March 17, 2011: **HB 78, HB 98, HB 120, HB 176, HB 287, HB 356, HB 367, HB 399.**

Signed by the Speaker at 10:40 a.m., March 17, 2011: **HB 62, HB 81, HB 86, HB 252.**

Signed by the Speaker at 10:45 a.m., March 28, 2011: **HB 23, HB 53, HB 79, HB 92, HB 93, HB 118, HB 119, HB 127, HB 169, HB 233, HB 419, HJR 6.**

Delivered to the Secretary of State at 3:42 p.m., March 17, 2011: **HJR 6.**

Delivered to the Governor for approval at 4:00 p.m., March 17, 2011: **HB 78, HB 98, HB 120, HB 176, HB 287, HB 356, HB 367, HB 399.**

Delivered to the Governor for approval at 3:30 p.m., March 17, 2011: **HB 23, HB 53, HB 62, HB 79, HB 81, HB 86, HB 92, HB 93, HB 118, HB 119, HB 127, HB 169, HB 233, HB 252, HB 419.**

Montana High School Rodeo Queen Hanna Heckman from Choteau, Montana addressed the House.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):

3/17/2011

HB 10, introduced bill, be amended as follows:

1. Page 5, line 2.

Strike: "\$10,737,273"

Insert: "\$4,762,033"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 17, 2011

HB 15, do pass. Report adopted.

HB 51, do pass. Report adopted.

BUSINESS AND LABOR (Arntzen, Chairman):

3/16/2011

SB 221, be amended as follows:

1. Page 9, line 14.

Insert: "COORDINATION SECTION. Section 4. Coordination instruction. If Senate Bill No. 351 and [this act] are passed and approved and if both contain a section that amends 53-6-702, the sections amending 53-6-702 are void and 53-6-702 must be amended as follows:

"53-6-702. Definitions. As used in this part, the following definitions apply:

(1) "Department" means the department of public health and human services.

(2) "Health maintenance organization" means a health maintenance organization as defined in 33-31-102.

~~(3) (a) "Managed care community network" or "network" means an entity, other than a health maintenance organization, that provides or arranges for comprehensive physical or mental health care services under a contract with the department, that is reimbursed by a capitated rate or a fixed monetary amount for a specified time period with a risk of financial loss or a financial incentive to the entity, and that:~~

~~—— (i) contracts for an estimated annual value of \$1 million or more of state and federal medicaid funds; or~~

~~—— (ii) operates statewide or covers 20% or more of the medicaid population.~~

~~—— (b) The term does not include a provider of health care services under a contract with the department on a fee-for-service basis or a PACE organization, as defined in 42 CFR 460.6, that has received a waiver under 33-31-201.~~

~~(4)~~(3) (a) "Managed health care entity" or "entity" means a health maintenance organization or a managed care community network an insurer regulated under Title 33 that:

(i) contracts for an estimated annual value of \$1 million or more of state and federal medicaid funds; or

(ii) operates statewide or covers 20% or more of the medicaid population.

(b) The term does not include:

(i) a provider of health care services under a contract with the department on a fee-for-service basis; or

(ii) a PACE organization as defined in 42 CFR 460.6 or an accountable care organization as defined in 33-31-102 that has received a waiver under 33-31-201.

~~(5)~~(4) "Program" means an element of the integrated health care system created by this part."

And, as amended, be concurred in. Report adopted.

HUMAN SERVICES (Howard, Chairman):

3/16/2011

SB 156, be amended as follows:

1. Page 1, line 23 through line 25.

Strike: "up to 15% of" on line 23

HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 17, 2011

Following: "for" on line 23

Insert: ":",

Strike: "costs related to" on line 23 through "benefits" on line 25

Insert: "(i) monthly cash benefit payments; or

(ii) supportive services costs as allowed under the Montana state plan for the temporary assistance for needy families program"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):

3/17/2011

HB 513, introduced bill, be amended as follows:

1. Title, page 1, line 14 through line 16.

Strike: "REQUIRING" on line 14 through "COIN;" on line 16

2. Title, page 1, line 17.

Strike: "19-20-501,"

3. Page 22, line 9 through line 27.

Strike: section 25 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 3, be concurred in. Report adopted.

SB 307, be amended as follows:

1. Title, line 4.

Following: "ACT"

Insert: "REVISING THE PRIVATIZATION PLAN REVIEW PROCESS;"

2. Title, line 8.

Strike: "SECTION"

Insert: "SECTIONS 2-8-102,"

Following: "2-8-105,"

Insert: "2-8-301, AND 2-8-304,"

3. Page 1, line 23.

Following: line 22

Insert: "**Section 2.** Section 2-8-102, MCA, is amended to read:

"2-8-102. Definitions. As used in this part, the following definitions apply:

(1) "Agency" means an office, position, commission, committee, board, department, council, division, bureau, section, or any other entity or instrumentality of the executive department of state government.

(2) "Performance audit" means an examination of the effectiveness of administration and

HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 17, 2011

its efficiency and adequacy in terms of the program of a state agency authorized by law to be performed and the conformance of expenditures with legislative intent. Audits conducted shall include an analysis of the operation of the agency, with special regard to the duplication of efforts between the audited agency or program and other agencies or programs and the quality of service being rendered.

(3) "Privatization" means to transfer control or management of an agency, program, or service from the public sector to the private sector.

~~(3)~~(4) "Program" means any legislatively or administratively created function, project, or duty of an agency.""

Renumber: subsequent sections

4. Page 2, line 7.

Strike: "recommendations"

Insert: "a report"

5. Page 2, line 8.

Strike: "in the form of a report"

6. Page 2, line 11.

Following: line 10

Insert: "**Section 4.** Section 2-8-301, MCA, is amended to read:

"2-8-301. Definitions. As used in this part, the following definitions apply:

(1) "Agency" means an office, position, commission, committee, board, department, council, division, bureau, section, or any other entity or instrumentality of the executive, legislative, or judicial branch of state government.

(2) "Private sector" means any entity or individual not principally a part of or associated with a governmental unit that is associated with or involved in commercial activity.

(3) (a) "~~Privatize~~" means ~~an agency contracting with the private sector to provide services that are currently or normally conducted directly by the employees of the state to transfer control or management of an agency, program, or service from the public sector to the private sector.~~

(b) The term does not include contracting with the private sector to provide services ~~on a temporary or emergency basis.~~

(4) "Program" means a legislatively or administratively created function, project, or duty of an agency.""

Insert: "**Section 5.** Section 2-8-304, MCA, is amended to read:

"2-8-304. Review of privatized programs. (1) If during audits of state agencies, the legislative auditor identifies programs being conducted by an agency under contract that may be administered more cost-effectively directly by the agency or identifies services performed by an agency that may be performed more cost-effectively by the private sector, the legislative auditor shall submit this information to the legislative audit committee.

~~(2) Members of the public, elected bargaining agents or employee representatives, elected officials, legislators, and agency directors may submit to the legislative audit committee a request to review programs being conducted under contract by an agency that may be administered more cost-effectively directly by the agency.~~

HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 17, 2011

~~(3)~~(2) The office of budget and program planning ~~shall~~ may submit to the legislative audit committee, by July 1 of each odd-numbered year:

(a) a list of all programs accounted for in an enterprise fund or an internal service fund; and
(b) a request for privatization review under subsection (1) of at least two of the programs identified in subsection ~~(3)(a)~~ (2)(a), including any available information and criteria required under 2-8-303.

~~(4)~~(3) The legislative audit committee shall review the information and requests provided under ~~subsections~~ subsection (1) ~~and (2)~~ and may direct the legislative auditor to conduct a review of any contracted program or program administered directly by the agency, or both. The review must include a report to the legislative audit committee that includes the information required in a privatization plan under 2-8-303.

~~(5)~~(4) The report required by subsection ~~(4)~~ (3) must be provided to the legislative audit committee and released to the public. Not less than 30 days after the release of the report, the legislative audit committee shall conduct a public hearing on the report at which public comments and testimony must be received. Upon completion of the hearing on the report, the legislative audit committee may make recommendations that it believes appropriate concerning the program.""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

TRANSPORTATION (Vance, Chairman):

3/16/2011

SB 179, be concurred in. Report adopted.

SB 213, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/16/2011

HB 61, introduced by MacLaren

HB 288, introduced by Sands

House amendments to Senate bill concurred in:

3/16/2011

SB 67, introduced by Shockley

SB 325, introduced by Balyeat, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

3/16/2011

Yeas - 26

Nays - 24

HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 17, 2011

Senate bills passed and transmitted to the House for concurrence:

3/16/2011

SB 110, introduced by Brenden
SB 199, introduced by Balyeat
SB 288, introduced by Gillan
SB 312, introduced by Vincent
SB 329, introduced by Zinke
SB 333, introduced by Shockley
SB 347, introduced by Lake

House bills concurred in and returned to the House:

3/16/2011

HB 28, introduced by McNutt
HB 37, introduced by McChesney
HB 70, introduced by Menahan
HB 426, introduced by MacLaren

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 620, introduced by Berry, Hunter, Welborn, McChesney, Hiner, Ankney, MacLaren, Noonan, referred to Business and Labor.
HB 621, introduced by Ankney, referred to Appropriations.
HB 622, introduced by Ankney, referred to Appropriations.
HB 623, introduced by Furey, referred to Appropriations.

The following Senate bills were introduced, read first time, and referred to committees:

SB 110, introduced by Brenden, referred to Taxation.
SB 199, introduced by Balyeat, Gallus, Yates, Moore, De. Barrett, J. Peterson, Lewis, Steinbeisser, Ripley, Brenden, Walker, Olson, Arthun, Wittich, Buttrey, Jackson, Zinke, Essmann, Hinkle, Shockley, Hendrick, Vance, Vincent, Priest, Windy Boy, Burnett, referred to Taxation.
SB 288, introduced by Gillan, referred to Taxation.
SB 312, introduced by Vincent, G. Bennett, Cuffe, Hamlett, Murphy, Wagner, Keane, referred to Natural Resources.
SB 325, introduced by Balyeat, Arthun, Hinkle, Jones, Jackson, Steinbeisser, Ripley, Olson, Lake, Ankney, Kennedy, Greef, Shockley, Brodehl, Zinke, Knox, Wittich, Kerns, Vance, Randall, Blasdel, Brenden, Warburton, Moore, C. Smith, referred to State Administration.
SB 329, introduced by Zinke, Moore, Jones, Branae, Hawks, Ripley, Brown, Stewart-Peregoy, Reichner, Facey, Olson, Hansen, referred to Education.
SB 333, introduced by Shockley, referred to Taxation.
SB 347, introduced by Lake, referred to Judiciary.

HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 17, 2011

Representative Cuffe rose on a point of personal privilege to recognize General Thomas Meagher and recognize Ireland on Saint Patrick's Day.

Representative McGillvray moved that the House Republicans Caucus. Motion carried.
Representative Hands moved that the House Democrats Caucus. Motion carried.

House Recessed.
House Reconvened.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 294 - Representative McGillvray moved consideration of **SB 294** be passed for the day. Motion carried.

HB 64 - Senate Amendments - Representative Stahl moved Senate amendments to **HB 64** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 17, 2011

SB 47 - Representative Connell moved **SB 47** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: B. Bennett, Boland, Reichner, Sesso, Welborn.

Total 5

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

SB 49 - Representative Arntzen moved **SB 49** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 17, 2011

SB 128 - Representative Ehli moved **SB 128** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 52 - Representative Kennedy moved **SB 52** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Squires.

Total 1

Excused: None.

Total 0

Absent or not voting: Wagner.

Total 1

HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 17, 2011

SB 189 - Representative Noonan moved **SB 189** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

Nays: Fitzpatrick, Harris, Hiner, Ingraham, Kennedy, Mehlhoff, More, Read, Skattum, Skees, C. Smith, Squires.

Total 12

Excused: None.

Total 0

Absent or not voting: Blasdel.

Total 1

SB 361 - Representative Gibson moved **SB 361** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 79

Nays: Bangerter, G. Bennett, Burnett, Edmunds, Esp, Harris, Hendrick, Howard, Ingraham, Kennedy, MacDonald, Malek, McGillvray, McNiven, More, O'Hara, Peterson, Read, Skattum, C. Smith, Mr. Speaker.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 17, 2011

SB 92 - Representative Washburn moved **SB 92** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Barrett.

Total 1

Excused: None.

Total 0

Absent or not voting: Malek.

Total 1

SB 103 - Representative G. Bennett moved **SB 103** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: McNiven.

Total 1

HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 17, 2011

HB 82 - Senate Amendments - Representative Sands moved Senate amendments to **HB 82** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.
Total 83

Nays: Blasdel, Edmunds, Esp, Hale, Harris, Hendrick, Kennedy, Kerns, Knox, Loney, More, Read, Skattum, Skees, C. Smith, Wagner.
Total 16

Excused: None.
Total 0

Absent or not voting: Mr. Speaker.
Total 1

HB 94 - Senate Amendments - Representative Arntzen moved Senate amendments to **HB 94** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 83

Nays: G. Bennett, Blasdel, Blyton, Esp, Hale, Hendrick, Kennedy, Kerns, Knox, Lavin, More, O'Neil, Randall, Skattum, Skees, C. Smith, Wagner.
Total 17

Excused: None.
Total 0

HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 17, 2011

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 96

Nays: None.

Total 0

Excused: Reichner, Swanson.

Total 2

Absent or not voting: Hollenbaugh, Yates.

Total 2

Representative Cuffe rose on a point of personal privilege to share more information about General Thomas Meagher and recognized Representative Vance whose great-great uncle was General Thomas Meagher.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 28 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil,

HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 17, 2011

Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: G. Bennett, Hale, Howard, Kennedy, Read, Warburton.

Total 6

Excused: Reichner, Swanson.

Total 2

Absent or not voting: None.

Total 0

SB 32 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Reichner, Swanson.

Total 2

Absent or not voting: None.

Total 0

SB 36 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek,

HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 17, 2011

McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: None.
Total 0

Excused: Reichner, Swanson.
Total 2

Absent or not voting: C. Smith.
Total 1

SB 38 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: Brodehl.
Total 1

Excused: Reichner, Swanson.
Total 2

Absent or not voting: Harris.
Total 1

HOUSE JOURNAL
SIXTIETH LEGISLATIVE DAY - MARCH 17, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Friday, March 18, 2011. Motion carried.

House adjourned at 2:16 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SIXTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 18, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Esp. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Osmundson, Phillips, Reichner, and Swanson, excused. Quorum present.

BILLS (O'Hara, Chairman):

3/18/2011

Correctly engrossed: **HB 316, HB 560, HB 561, HB 562, HB 577, HB 598, SB 1, SB 75, SB 198.**

Correctly enrolled: **HB 52, HB 99, HB 254, HB 270, HB 348, HB 374.**

Correctly printed: **SB 55, SB 68, SB 76, SB 114, SB 153, SB 194, SB 229, SB 324, SB 374.**

Examined by the sponsor and found to be correct: **HB 63, HB 327.**

Representative Burnett introduced the Sticht Family. Jeanne, Shauna, Emma, Maddie, Russell and Sophie Sticht entertained the House with music.

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the forty-sixth, forty-seventh, forty-eighth, forty-ninth, and fiftieth legislative days, find the same to be correct.

Representative O'Hara, Chair

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):

3/17/2011

HB 316, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "INCREASING THE BALANCE OF THE STATE GENERAL FUND;"

Insert: "REVISING THE ALLOCATION OF REVENUE AND INCOME TO THE STATE GENERAL FUND AND THE GUARANTEE ACCOUNT;"

2. Title, page 1, line 15.

Strike: "REVISING THE ALLOCATION OF NURSING FACILITY UTILIZATION FEES;"

3. Title, page 1, line 16, through page 1, line 19.

Strike: "REVISING" on page 1, line 16 through "TAXES;" on line 19

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

4. Title, page 1, line 19 through line 24.

Strike: the second "REVISING" on line 19 through "FEES;" on line 24

5. Title, page 1, line 25 through line 26.

Following: "FEE"

Strike: remainder of line 25 through "FEES" on line 26

6. Title, page 1, line 28.

Strike: "15-60-102,"

7. Title, page 1, line 29.

Strike: "15-60-210, 15-60-211,"

Strike: "15-66-102," through "16-11-119,"

8. Title, page 1, line 30.

Strike: "17-6-606," through "33-2-708,"

9. Title, page 2, line 1.

Strike: "33-28-120, 53-6-149, 61-5-121,"

10. Title, page 2, line 2.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

11. Page 2, line 12.

Strike: "10.8%"

Insert: "12%"

12. Page 2, line 14.

Strike: "4.914%"

Insert: "5.46%"

13. Page 2, line 27.

Strike: "0.567%"

Insert: "0.63%"

14. Page 3, line 1.

Strike: "5.22%"

Insert: "5.8%"

15. Page 3, line 2.

Strike: "2.61%"

Insert: "2.9%"

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

16. Page 3, line 10.

Strike: "\$58,500"

Insert: "\$65,000"

17. Page 3, line 11.

Strike: "\$562,500"

Insert: "\$625,000"

18. Page 3, line 12.

Strike: "\$1.1475"

Insert: "\$1.031"

19. Page 3, line 15.

Strike: "\$112,500"

Insert: "\$125,000"

20. Page 3, line 16.

Strike: "\$45,000"

Insert: "\$50,000"

21. Page 3, line 17.

Strike: "\$382,500"

Insert: "\$425,000"

22. Page 3, line 18.

Strike: "\$180,000"

Insert: "\$200,000"

23. Page 3, line 20.

Strike: "\$270,000"

Insert: "\$300,000"

24. Page 3, line 27.

Strike: "10.8%"

Insert: "12%"

25. Page 3, line 29.

Strike: "4.914%"

Insert: "5.46%"

26. Page 4, line 12.

Strike: "0.567%"

Insert: "0.63%"

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

27. Page 4, line 16.

Strike: "5.22%"

Insert: "5.8%"

28. Page 4, line 17.

Strike: "2.61%"

Insert: "2.9%"

29. Page 4, line 25.

Strike: "\$58,500"

Insert: "\$65,000"

30. Page 4, line 26.

Strike: "\$1.125"

Insert: "\$1.25"

31. Page 4, line 27.

Strike: "\$3.285 million"

Insert: "\$3,168,500"

32. Page 4, line 30.

Strike: "\$112,500"

Insert: "\$125,000"

33. Page 5, line 1.

Strike: "\$45,000"

Insert: "\$50,000"

34. Page 5, line 2.

Strike: "\$382,500"

Insert: "\$425,000"

35. Page 5, line 3.

Strike: "\$180,000"

Insert: "\$200,000"

36. Page 5, line 5.

Strike: "\$270,000"

Insert: "\$300,000"

37. Page 5, line 12.

Strike: "10.8%"

Insert: "12%"

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

38. Page 5, line 14.

Strike: "4.914%"

Insert: "5.46%"

39. Page 5, line 27.

Strike: "0.567%"

Insert: "0.63%"

40. Page 6, line 1.

Strike: "2.61%"

Insert: "2.9%"

41. Page 6, line 17.

Following: "82-11-135"

Insert: ", and 10% of the proceeds must be deposited in the general fund"

42. Page 6, line 19.

Following: "the account"

Insert: ", and 10% of the proceeds must be deposited in the general fund"

43. Page 6, line 20.

Following: "year,"

Strike: "90%"

Insert: "10%"

44. Page 6, line 21.

Following: "(b)"

Insert: "must be deposited in the general fund and 90%"

45. Page 8, line 9.

Following: line 8

Insert: "(i) 0.237% to the coal bed methane protection account established in 76-15-904;"

Renumber: subsequent subsections

46. Page 8, line 9.

Strike: "1.944%"

Insert: "2.16%"

47. Page 8, line 11.

Strike: "1.818%"

Insert: "2.64%"

48. Page 8, line 13.

Strike: "2.655%"

Insert: "1.88%"

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

49. Page 11, line 5.

Strike: "\$3.15"

Insert: "\$3.5"

50. Page 11, line 7.

Strike: "\$270,000"

Insert: "\$300,000"

51. Page 11, line 8 through page 11, line 10.

Strike: subsection (iii) in its entirety

Renumber: subsequent subsections

52. Page 11, line 11.

Strike: "\$430,000"

Insert: "\$500,000"

53. Page 11, line 22.

Strike: "58.5%"

Insert: "65%"

54. Page 11, line 28.

Strike: "10%"

Insert: "3.5%"

55. Page 12, line 5 through page 13, line 12.

Strike: section 6 through section 8 in their entirety

Renumber: subsequent sections

56. Page 14, line 29 through page 20, line 3.

Strike: section 10 through section 15 in their entirety

Renumber: subsequent sections

57. Page 20, line 7.

Strike: "state general fund"

Insert: "guarantee account provided for in 20-9-622"

58. Page 20, line 16 through page 31, line 16.

Strike: section 17 through section 25 in their entirety

Renumber: subsequent sections

59. Page 31, line 22.

Strike: "10%"

Insert: "16.38%"

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

60. Page 31, line 27 through page 34, line 8.

Strike: section 27 through section 29 in their entirety

Renumber: subsequent sections

61. Page 37, line 30 through page 38, line 8.

Strike: section 34 in its entirety

Renumber: subsequent sections

62. Page 38, line 15.

Following: line 14

Insert: "NEW SECTION. Section 15. Termination. [This act] terminates June 30, 2015."

And, as amended, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

3/18/2011

SB 68, be concurred in. Report adopted.

SB 76, be concurred in. Report adopted.

SB 114, be concurred in. Report adopted.

SB 153, be concurred in. Report adopted.

SB 324, be concurred in. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):

3/18/2011

SB 55, be concurred in. Report adopted.

SB 194, be concurred in. Report adopted.

SB 198, be amended as follows:

1. Title, page 1, line 8.

Following: "5-4-201"

Insert: ", 5-4-203,"

2. Page 1.

Following: line 18

Insert: "**Section 2.** Section 5-4-203, MCA, is amended to read:

"5-4-203. Budget director to prepare note. (1) The budget director, in cooperation with the state or local agencies or officials or organizations representing local agencies or officials affected by the bill, is responsible for the preparation of the fiscal note ~~and~~.

(2) The budget director shall ~~return same~~ complete the fiscal note within 6 days, except as provided in subsection (3). (3)(a) The budget director may request additional time to complete a note, ~~which~~. The extension must be submitted to the presiding officer or committee requesting the note for approval.

(b) The budget director shall complete a fiscal note subject to 5-4-205(1)(b) within 10 days."

Renumber: subsequent sections

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

3. Page 1, line 21.

Following: "(1)"

Insert: "(a)"

4. Page 1, line 23.

Following: "A"

Insert: "(b)"

5. Page 1, line 27.

Following: " "

Insert: "(c)"

And, as amended, be concurred in. Report adopted.

SB 229, be concurred in. Report adopted.

SB 374, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/17/2011

HB 52, introduced by Ankney

HB 99, introduced by Ingraham

HB 254, introduced by Vance

HB 270, introduced by Lavin

HB 348, introduced by Malek

HB 374, introduced by Hansen

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/17/2011

HB 59, introduced by Belcourt

HB 103, introduced by Fitzpatrick

HB 251, introduced by Hoven

HB 300, introduced by Flynn

HB 380, introduced by Blasdel

HB 552, introduced by Hale

Senate bill concurred in as amended and returned to the House for concurrence in Senate amendments:

3/17/2011

SB 376, introduced by Lake

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

MESSAGES FROM THE GOVERNOR

March 17, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 19** sponsored by Representative Sands, **House Bill 38** sponsored by Representative Boland, **House Bill 44** sponsored by Representative Hoven, **House Bill 57** sponsored by Representative Hiner, **House Bill 74** sponsored by Representative Schmidt, **House Bill 84** sponsored by Representative Boland, **House Bill 101** sponsored by Representative MacDonald, **House Bill 204** sponsored by Representative Salomon et al., **House Bill 208** sponsored by Representative Welborn et al., and **House Bill 294** sponsored by Representative Cook on March 16, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 624, introduced by Furey, referred to Appropriations.

HB 625, introduced by Furey, referred to Appropriations.

HB 626, introduced by Schmidt, referred to Taxation.

HB 627, introduced by G. Bennett, Milburn, Regier, Taylor, Warburton, C. Smith, McGillvray, referred to Judiciary.

HB 628, introduced by Stahl, referred to Appropriations.

The following Senate bill was introduced, read first time, and referred to committee:

SB 376, introduced by Lake, referred to Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

HB 64 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Belcourt, Williams.

Total 2

Excused: Osmundson, Phillips, Reichner, Swanson.

Total 4

Absent or not voting: None.

Total 0

HB 82 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Price, Randall, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 80

Nays: G. Bennett, Blasdel, Cuffe, Edmunds, Hale, Harris, Kennedy, Kerns, Knox, More, Read, Skattum, Skees, C. Smith, Wagner.

Total 15

Excused: Osmundson, Phillips, Reichner, Swanson.

Total 4

Absent or not voting: Wilmer.

Total 1

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

HB 94 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Price, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, Squires, Stahl, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 72

Nays: G. Bennett, Blasdel, Burnett, Cuffe, Esp, Flynn, Hale, Harris, Hendrick, Kennedy, Kerns, Knox, Lavin, Miller, More, O'Neil, Randall, Skattum, Skees, C. Smith, Vance, Wagner.

Total 22

Excused: Osmundson, Phillips, Reichner, Swanson.

Total 4

Absent or not voting: Read, F. Smith.

Total 2

SB 47 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: B. Bennett, Knox.

Total 2

Excused: Osmundson, Phillips, Reichner, Swanson.

Total 4

Absent or not voting: Harris.

Total 1

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

SB 49 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: None.

Total 0

Excused: Osmundson, Phillips, Reichner, Swanson.

Total 4

Absent or not voting: None.

Total 0

SB 52 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: None.

Total 0

Excused: Osmundson, Phillips, Reichner, Swanson.

Total 4

Absent or not voting: Miller.

Total 1

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

SB 92 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Barrett, Hale, Noonan, F. Smith.

Total 4

Excused: Osmundson, Phillips, Reichner, Swanson.

Total 4

Absent or not voting: None.

Total 0

SB 103 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Boland.

Total 1

Excused: Osmundson, Phillips, Reichner, Swanson.

Total 4

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

SB 128 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Salomon, Williams.

Total 2

Excused: Osmundson, Phillips, Reichner, Swanson.

Total 4

Absent or not voting: None.

Total 0

SB 189 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Price, Randall, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: Blasdel, Fitzpatrick, Hale, Harris, Hiner, Ingraham, Kennedy, More, Read, Skattum, Skees, C. Smith, Squires.

Total 13

Excused: Osmundson, Phillips, Reichner, Swanson.

Total 4

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

SB 361 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Pease-Lopez, Randall, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 73

Nays: Bangerter, Barrett, G. Bennett, Burnett, Cuffe, Edmunds, Esp, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, MacDonald, Malek, McGillvray, O'Hara, Peterson, Price, Read, Skattum, C. Smith, Mr. Speaker.

Total 23

Excused: Osmundson, Phillips, Reichner, Swanson.

Total 4

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Blyton in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 238 - Representative McGillvray moved consideration of **SB 238** be passed for the day. Motion carried.

SB 125 - Representative C. Smith moved **SB 125** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 69

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 29 - Senate Amendments - Representative McNiven moved Senate amendments to **HB 29** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McClafferty, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Peterson, Price, Randall, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Washburn, Welborn, Mr. Speaker.

Total 62

Nays: Belcourt, B. Bennett, Boland, Clark, Cook, Court, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Phillips, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Warburton, Williams, Wilmer, Yates.

Total 36

Excused: Osmundson, Reichner.

Total 2

Absent or not voting: None.

Total 0

SB 120 - Representative C. Smith moved **SB 120** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan,

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Esp.

Total 1

Excused: None.

Total 0

Absent or not voting: Furey, Hill, Knox, Sands.

Total 4

SB 138 - Representative Skees moved **SB 138** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Price rose on a point of personal privilege to clarify that the representative from the Governor's Office Dan Villa, did speak in favor of SB 138 but that the Montana University System did not.

Representative Skees rose on a point of personal privilege to clarify that the Montana University System did speak in favor of SB 138 in the Senate State Administration Committee and did not testify in the House State Administration Committee.

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

SB 146 - Representative Greef moved **SB 146** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 279 - Representative Regier moved **SB 279** be concurred in.

SB 279 - Representative Menahan moved **SB 279**, second reading copy, be amended as follows:

1. Title, line 11.

Following: "CAPITOL;"

Insert: "REQUIRING TRAINING IN THE USE OF CONCEALED WEAPONS FOR
LEGISLATIVE SECURITY OFFICERS;"

2. Page 2.

Following: line 2

Insert: " NEW SECTION. Section 2. Concealed weapons -- training required for legislative security officers. A legislative security officer must, before carrying a concealed weapon as authorized by 45-8-317, receive the same training at the Montana law enforcement academy in the use of the weapon as is provided for the basic certification of a peace officer.

Insert: " NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 5, and the provisions of Title 5 apply to [section 2]."

Renumber: subsequent section

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

Amendment **not** adopted as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Ehli, Esp, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Price, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 47

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, O'Neil, Randall, Read, Regier, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 50

Excused: Osmundson, Phillips, Reichner.

Total 3

Absent or not voting: None.

Total 0

SB 279 - Representative Regier moved **SB 279** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 71

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

SB 342 - Representative McNiven moved **SB 342** be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Yates, Mr. Speaker.

Total 66

Nays: Ankney, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: McChesney.

Total 1

SB 7 - Representative Stahl moved **SB 7** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Fitzpatrick, Miller, O'Neil, Randall.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

SB 337 - Representative K. Peterson moved **SB 337** be concurred in. Motion carried as follows:

Yeas: Bangerter, Barrett, B. Bennett, Blyton, Boland, Burnett, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hoven, Howard, Hunter, Kerns, Knox, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, Menahan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Sands, Schmidt, Small, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Wilmer.
Total 52

Nays: Ankney, Arntzen, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Brodehl, Clark, Cuffe, Edmunds, Fitzpatrick, Flynn, Greef, Hale, Harris, Hendrick, Hollandsworth, Hollenbaugh, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, MacLaren, McGillvray, McNutt, Mehlhoff, Miller, More, Noonan, O'Neil, Randall, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, C. Smith, Taylor, Wagner, Warburton, Welborn, Williams, Yates, Mr. Speaker.
Total 48

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 11 - Representative Malek moved **SB 11** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Flynn, Furey, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 89

Nays: G. Bennett, Edmunds, Fitzpatrick, Gibson, Harris, Hollandsworth, Kennedy, Loney, McGillvray, Roberts, Salomon.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

SB 12 - Representative Di. Barrett moved **SB 12** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 95

Nays: Loney, McGillvray, More, Skattum, Mr. Speaker.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 205 - Representative Klock moved **SB 205** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Edmunds, Flynn, Kennedy, Kerns, Knox, More, O'Neil, Read, Skattum, Small, Vance.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Blyton moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Peterson, Randall, Read, Regier, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 77

Nays: B. Bennett, Boland, Hands, Hill, MacDonald, McChesney, McNally, Noonan, Pease-Lopez, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires.
Total 17

Excused: Osmundson, Phillips, Reichner, Swanson.
Total 4

Absent or not voting: Court, Evans.
Total 2

REPORTS OF STANDING COMMITTEES

TAXATION (Blasdel, Chairman): 3/18/2011
HB 560, introduced bill, be amended as follows:

1. Title, page 1, line 5, through page 1, line 6.

Strike: "PROVIDING" on line 5 through "WEBSITE" on line 6

Insert: "REQUIRING THE URBAN RENEWAL DISTRICT TO INCLUDE THE AMOUNT OF THE TAX INCREMENT OF THE DISTRICT IN THE REPORT FILED WITH THE MUNICIPALITY"

2. Page 1, line 30 through page 2, line 1.

Strike: "in enough" on page 1, line 30 through "renewal" on page 2, line 1

3. Page 2, line 3.

Strike: "specify"

Insert: "indicate"

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

4. Page 2, line 11.

Following: "expenses"

Insert: "and the amount of the tax increment"

5. Page 2, line 15 through line 22.

Strike: subsection (4) in its entirety

And, as amended, do pass. Report adopted.

HB 561, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "TERMINOLOGY AND"

Insert: "THE"

Strike: "VARIOUS"

2. Title, page 1, line 5 through line 8.

Strike: "REPLACING" on line 5 through "RENEWAL;" on line 8

3. Title, page 1, line 9.

Following: "EXIST;"

Insert: "AND"

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "7-15-4202" through "7-15-4209,"

4. Title, page 1, line 9 through line 11.

Strike: "7-15-4216," on line 9 through "7-15-4203," on line 11

5. Page 1, line 15 through page 6, line 7.

Strike: section 1 through section 3 in their entirety

Renumber: subsequent sections

6. Page 6, line 13.

Strike: "an area in need of urban renewal exists in the"

Insert: "one or more blighted areas exist in the"

7. Page 6, line 14.

Strike: "characteristics established"

Insert: "factors listed"

Strike: "7-15-4202"

Insert: "7-15-4206(2)"

8. Page 6, line 16 through line 17.

Strike: "in need" on line 16 through "renewal" on line 17

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

Following: "~~or areas~~"

Strike: "is"

Insert: "or areas are"

9. Page 6, line 20 through page 14, line 25.

Strike: section 5 through section 13 in their entirety

And, as amended, do pass. Report adopted.

HB 562, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "LOCAL GOVERNMENTS"

Insert: "THE COUNTY"

2. Title, page 1, line 6.

Strike: "EXTRATERRITORIAL"

Following: "JURISDICTION OF"

Strike: "THE"

Insert: "A"

3. Title, page 1, line 7.

Strike: "LOCAL GOVERNMENTS"

Insert: "THE COUNTY"

4. Title, page 1, line 8 through line 9.

Strike: "PROVIDED" on line 8 through "GOVERNMENTS" on line 9

Insert: "MADE AVAILABLE UPON REQUEST TO THE COUNTY"

Following: "OF"

Strike: "THE"

Insert: "A"

5. Title, page 1, line 10.

Strike: "7-15-4213,"

6. Page 1, line 20.

Strike: "public entities, including counties,

Insert: "the county and"

7. Page 1, line 20 through line 21.

Strike: ", authorities" on line 20 through "districts" on line 21

8. Page 1, line 21 through line 22.

Strike: "or are" on line 21 through "7-4-4306" on line 22

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

9. Page 1, line 27 through page 2, line 6.

Strike: section 2 in its entirety

Renumber: subsequent sections

10. Page 2, line 15.

Strike: "public entities, including counties,"

Insert: "the county and"

11. Page 2, line 15 through line 16.

Strike: ", authorities" on line 15 through "districts" on line 16

12. Page 2, line 16 through line 17.

Strike: "or are" on line 16 through "7-4-4306" on line 17

13. Page 2, line 27 and 28.

Strike: "submitted" on line 27 through "counties," on line 28

Insert: "made available upon request to the county and"

14. Page 2, line 28.

Strike: ", authorities, and other distircts"

15. Page 2, line 29.

Strike: "or are" through "7-4-4306"

16. Page 3, line 12 through line 13.

Strike: "address" on line 12 through "counties," on line 13

Insert: "take into account the effect on the county and"

17. Page 3, line 13.

Strike: ", authorities, and other districts"

18. Page 3, line 13 through line 20.

Strike: "or are" through "entities" on line 20

And, as amended, do pass. Report adopted.

HB 577, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "UNDER UNEMPLOYMENT INSURANCE LAW AND"

2. Title, page 1, line 6 through line 7.

Strike: "THE" on line 6 through the first "AND" on line 7

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

3. Title, page 1, line 7.

Strike: ", 39-51-201,"

4. Page 3, line 9 through page 7, line 13.

Strike: section 2 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 598, introduced bill, be amended as follows:

1. Page 2, line 16.

Following: "consolidation."

Insert: "In the case of a merger or consolidation of corporations, the amount of taxable income that the acquiring corporation or the new corporate entity may offset with net operating losses of the acquired corporations or the acquired consolidated corporations after the merger or consolidation may not exceed the amount allowed by 26 U.S.C. 382 for the tax year."

And, as amended, do pass. Report adopted.

SB 1, be amended as follows:

1. Page 4, line 2.

Strike: "a change"

Insert: "an increase"

2. Page 4, line 12.

Strike: "AUGUST"

Insert: "July"

3. Page 4, line 13.

Strike: "change"

Insert: "increase"

4. Page 7, line 16.

Strike: "August"

Insert: "July"

And, as amended, be concurred in. Report adopted.

SB 75, be amended as follows:

1. Page 1.

Following: line 25

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

Insert: "(c) the county commissioners of a county in which the department employees are located in a county building approve the proposed alternative office hours if the alternative hours are outside of the county's normal business hours;"

Renumber: subsequent subsections

2. Page 1, line 27.

Strike: "(4)(C)"

Insert: "(4)(d)"

And, as amended, be concurred in. Report adopted.

MOTIONS

Representative McGillvray moved **SB 11** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved to appoint a Conference Committee on **HB 29** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

3/18/2011

Representative McNiven, Vice Chair

Representative Berry

Representative Court

Representative Washburn moved that **HB 313** be taken from State Administration and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, Belcourt, G. Bennett, Berry, Boland, Brodehl, Connell, Cook, Court, Edmunds, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Hiner, Kary, Kennedy, Klock, Knox, Lavin, Loney, MacLaren, Malek, Mehlhoff, Menahan, O'Hara, Pease-Lopez, Read, Regier, Rosendale, Salomon, Squires, Warburton, Washburn, Welborn, Yates.

Total 39

Nays: Barrett, B. Beck, B. Bennett, Blasdel, Blyton, Burnett, Clark, Cuffe, Driscoll, Ehli, Esp, Furey, Hale, Hands, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kerns, Knudsen, MacDonald, McClafferty, McGillvray, McNiven, McNutt, Miller, More, Noonan, O'Neil, Peterson, Price, Randall, Reinhart, Roberts, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Stahl, Taylor, Vance, Wagner, Williams, Wilmer, Mr. Speaker.

Total 53

Excused: Osmundson, Phillips, Reichner, Swanson.

Total 4

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 18, 2011

Absent or not voting: Evans, McChesney, McNally, C. Smith.

Total 4

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Monday, March 21, 2011. Motion carried.

House adjourned at 3:21 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SIXTY-THIRD LEGISLATIVE DAY**

Helena, Montana
March 21, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative McClafferty. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Kennedy, Osmundson, Sands, and Swanson, excused. Quorum present.

BILLS (O'Hara, Chairman):

3/21/2011

Correctly printed: **HB 159, HB 163, HB 165, HB 188, HB 196, HB 357, HB 358, HB 363, HB 411, HB 445, HB 475, HB 551.**

Correctly engrossed: **HB 83, HB 183, HB 184, HB 351, HB 477, SB 100, SB 125, SB 176.**

Correctly enrolled: **HB 64, HB 82, HB 94, HB 141, HB 181, HB 219, HB 259, HB 273, HB 293, HB 484, HB 497, HB 536, HB 573, HJR 1.**

Examined by the sponsor and found to be correct: **HB 52, HB 64, HB 94, HB 99, HB 181, HB 254, HB 270, HB 348, HB 374.**

Signed by the Speaker at 3:10 p.m., March 21, 2011: **HB 28, HB 37, HB 63, HB 70, HB 126, HB 187, HB 327, HB 426.**

Signed by the Chief Clerk of the House at 9:50 a.m., March 21, 2011: **HB 28, HB 37, HB 63, HB 70, HB 126, HB 187, HB 327, HB 426.**

Representative G. Bennett introduced the pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman):

3/24/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 12:00 p.m., Friday, March 18, 2011:

TITLE

NAME

Pages:

Greg Rhines, Havre
Alaina Doiron, Deer Lodge
Danika Fabich, Anaconda
Heidi Breeden, Forsyth
Hannah Heckman, Choteau

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, March 21, 2011:

TITLE

NAME

Pages:

Levi Burlison, White Sulphur Springs
Elise Preble, Somers

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

Heidi Heiland, Hamilton
Colt Sales, Bozeman
Kenneth Taylor, Cut Bank
Kyndall Miller, Laurel
Ariel Simon, Helena
Matthew Warburton, Chinook

Report Adopted.

Representative Washburn introduced Lori Young from Manhattan, Montana who entertained the House of Representative with music.

Representative Sesso rose on a point of personal privilege to recognize David Gates who had passed away over the weekend and the House had a moment of silence.

Representative Peterson rose on a point of personal privilege to apologize for comments made during last Friday's session.

Representative McGillvray moved that the House Republicans caucus. Motion carried.

House Recessed.
House Reconvened.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):

3/18/2011

HB 83, introduced bill, be amended as follows:

1. Page 6, line 23.

Following: "allowing"

Insert: "authorized staff of"

Following: "board"

Insert: "who have signed appropriate confidentiality agreements"

2. Page 10.

Following: line 22

Insert: "(5) The advisory group may not receive or access confidential health care information contained in the registry."

And, as amended, do pass. Report adopted.

HB 159, do pass. Report adopted.

HB 163, do pass. Report adopted.

HB 165, do pass. Report adopted.

HB 183, introduced bill, be amended as follows:

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

1. Page 4, line 28.

Following: "125"

Insert: ", regarding nondiscrimination in favor of highly compensated individuals or participants"

2. Page 4, line 29.

Following: "employed"

Insert: "directly"

3. Page 4, line 30 through page 5, line 1.

Strike: "or" on Page 4, line 30

Strike: "A MONTANA" on page 4, line 30 through "form 1099" on page 5, line 1

And, as amended, do pass. Report adopted.

HB 184, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "EXPENSES FOR"

Strike: "AN"

Insert: "A RESIDENT"

2. Page 1, line 20.

Following: line 19

Strike: "an"

Insert: "a resident"

3. Page 2, line 2.

Strike: "an"

Insert: "a resident"

And, as amended, do pass. Report adopted.

HB 357, do pass. Report adopted.

HB 358, do pass. Report adopted.

HB 363, do pass. Report adopted.

HB 445, do pass. Report adopted.

HB 477, introduced bill, be amended as follows:

1. Page 1, line 27.

Strike: "(2)(e) and (3)"

Insert: "(2)(f)"

2. Page 2, line 2.

Strike: "amount of 97.4% of the"

Insert: "balance of the"

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

3. Page 2, line 5.

Strike: "is" through "and"

4. Page 2, line 8.

Following: "commercial,"

Insert: "to the Montana historical interpretation state special revenue account,"

5. Page 2, line 16.

Strike: "and"

6. Page 2, line 24.

Strike: "."

Insert: "; and"

7. Page 2, line 25.

Strike: "(3) The amount of"

Insert: "(f)"

8. Page 2, line 25 through page 2, line 28.

Strike: "of the tax" on page 2, line 25 through "transferred" on page 2, line 28

9. Page 2, line 30.

Strike: "(4)"

Insert: "(3)"

10. Page 3, line 5.

Strike: "(5)"

Insert: "(4)"

11. Page 3, line 9.

Following: line 8

Insert: "(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(e) are statutorily appropriated to the entities as provided in 17-7-502.

(6) The tax proceeds received that are transferred to the Montana historical interpretation state special revenue account pursuant to subsection (2)(f) are subject to appropriation by the legislature."

And, as amended, do pass. Report adopted.

HB 551, do pass. Report adopted.

APPROPRIATIONS (McNutt, Chairman):

3/21/2011

HB 188, do pass. Report adopted.

HB 196, do pass. Report adopted.

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

HB 351, introduced bill, be amended as follows:

1. Title, page 1, line 16.

Following: "FUND;"

Insert: "RETAINING THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM FUND WITHIN THE COAL SEVERANCE TAX TRUST FUND FOR AN ADDITIONAL 4 YEARS; EXTENDING TRANSFERS TO THE TREASURE STATE ENDOWMENT FUND AND THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM FUND TO 2020;"

2. Title, page 1, line 17.

Following: "SECTIONS"

Insert: "17-5-703,"

Following: "90-6-703"

Insert: ","

Following: "MCA;"

Insert: "AMENDING SECTION 6, CHAPTER 495, LAWS OF 1999, AND SECTION 1, CHAPTER 70, LAWS OF 2001; REPEALING SECTION 2, CHAPTER 70, LAWS OF 2001;"

3. Page 1, line 24.

Following: "section."

Insert: "The department shall also use any funds appropriated to the department in [section 2]."

4. Page 1, line 25.

Following: "in"

Insert: "[section 2] and"

5. Page 1, line 27.

Strike: "2"

Insert: "3"

6. Page 1, line 28.

Strike: "3"

Insert: "4"

7. Page 1, line 30.

Strike: "3"

Insert: "4"

8. Page 3, line 4.

Following: line 3

Insert: "31. East Helena, City of (wastewater) 750,000

32. Bigfork Water & Sewer District (water) 750,000

33. Custer County (wastewater) 750,000"

Following: "(4)"

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

Strike: "This"

Insert: "If sufficient funds are available, this"

9. Page 3, line 8 through page 3, line 13.

Strike: subsection (5) in its entirety

Insert: "(5) If funds deposited into the treasure state endowment special revenue account during the biennium ending June 30, 2013, are insufficient to fully fund the projects numbered 1 through 30 in subsection (3) that have satisfied the conditions described in [section 4(1)] by June 30, 2013, these projects may be funded from deposits into the treasure state endowment special revenue account made during the 2015 biennium before projects authorized by the 63rd legislature receive funding from the account. However, any of the projects numbered 1 through 30 listed in subsection (3) that have not completed the conditions described in [section 4(1)] by January 1, 2013, must be reviewed by the next regular session of the legislature to determine if the authorized grant should be withdrawn.

(6) Projects numbered 31 through 33 listed in subsection (3) that have satisfied the conditions described in [section 4(1)] may not receive grant funds unless sufficient funds have been deposited into the treasure state endowment special revenue account to fully fund the projects numbered 1 through 30 in subsection (3). However, if a subsequent legislature withdraws funding for any of the projects numbered 1 through 30 listed in subsection (3), if the department determines that any of the projects numbered 1 through 30 listed in subsection (3) will be unable to meet the startup condition described in [section 4(1)(b)], or if a project submits a written withdrawal to the department indicating it no longer requires a grant, those funds may be made available to projects numbered 31 through 33 listed in subsection (3) that have completed the conditions described in [section 4(1)]."

Renumber: subsequent subsections

10. Page 3, line 17.

Strike: "3(1)"

Insert: "4(1)"

11. Page 3, line 19.

Strike: "3(1)"

Insert: "4(1)"

12. Page 3, line 21.

Insert: "NEW SECTION. Section 2. Contingent appropriation from treasure state endowment state special revenue account. (1) On or before July 15, 2011, the department of commerce shall determine how much of the loan of \$6,512,000 authorized by subsection (6) of section 1, Chapter 458, Laws of 2009, was borrowed from the board of investments, how many projects satisfied the conditions described in subsection (1) of section 3, Chapter 458, Laws of 2009, the amount of the loan that will not be encumbered based on the inability of projects to satisfy the conditions, and the difference between the \$6,512,000 loan and the amount of the loan that will not be encumbered. The department shall report these findings to the board of investments, the legislative fiscal division, and the office of budget and program planning on or before July 19, 2011.

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

(2) The board of investments shall use the difference between the \$6,512,000 loan authorization and the amount of the loan authorization that will not be encumbered to determine the maximum level of debt service that may be required by the treasure state endowment program for fiscal years 2012 and 2013. For the purpose of this analysis, the board of investments shall assume that the amount reported by the department was an obligation of the treasure state endowment program on July 1, 2011, and the cost of the loan will be an obligation to the program. On or before August 1, 2011, the board of investments shall certify the resulting maximum level of debt service for fiscal years 2012 and 2013 to the department, the legislative fiscal division, and the office of budget and program planning.

(3) Subject to an appropriation limit, as provided in this subsection, if the maximum level of debt service for fiscal years 2012 and 2013 is less than \$840,000, then the difference between \$840,000 and the maximum level of debt service is appropriated from the treasure state endowment state special revenue account to the department of commerce to finance the grants authorized in [section 1]. The appropriation provided for in this subsection may not exceed \$840,000.

(4) If funds are appropriated in this section, they must be used to increase the appropriation in [section 1(1)] for the purpose set forth in [section 1]."

Renumber: subsequent sections

13. Page 3, line 24.

Strike: "5"

Insert: "6"

Strike: "6"

Insert: "7"

14. Page 3, line 29.

Strike: "3"

Insert: "4"

15. Page 5, line 22.

Following: "appropriated"

Strike: "\$1"

Insert: "\$3.5"

16. Page 5, line 29.

Strike: "9(1)"

Insert: "10(1)"

17. Page 6, line 5.

Strike: "7(2)"

Insert: "8(2)"

18. Page 6, line 10.

Strike: "7"

Insert: "8"

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

Strike: "8"

Insert: "9"

19. Page 6, line 24.

Strike: "\$3,754,053"

Insert: "\$1 million"

20. Page 7, line 3.

Insert: "**Section 12.** Section 17-5-703, MCA, is amended to read:

"17-5-703. (Temporary) Coal severance tax trust funds. (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax must be deposited;

(b) a treasure state endowment fund;

(c) a treasure state endowment regional water system fund;

(d) a coal severance tax permanent fund;

(e) a coal severance tax income fund; and

(f) a big sky economic development fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections (3) and (4).

(3) (a) Until June 30, ~~2016~~ 2020, the state treasurer shall quarterly transfer to the treasure state endowment fund 50% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) Until June 30, ~~2016~~ 2020, the state treasurer shall quarterly transfer to the treasure state endowment regional water system fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(c) The state treasurer shall monthly transfer from the treasure state endowment fund to the treasure state endowment special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund.

(d) The state treasurer shall monthly transfer from the treasure state endowment regional water system fund to the treasure state endowment regional water system special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account for regional water systems authorized under 90-6-715. Earnings not transferred to the treasure state endowment regional water system special revenue account must be retained in the treasure state endowment regional water system fund.

(4) (a) From July 1, 2005, through June 30, 2025, the state treasurer shall quarterly transfer to the big sky economic development fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

(b) The state treasurer shall monthly transfer from the big sky economic development fund to the economic development special revenue account, provided for in 90-1-205, the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-1-204. Earnings not transferred to the economic development special revenue account must be retained in the big sky economic development fund.

(5) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund. (Terminates June 30, 2016 2020 ~~sec. 1, Ch. 70, L. 2004.~~)

17-5-703. (Effective July 1, 2016 2020) Coal severance tax trust funds. (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax must be deposited;

(b) a treasure state endowment fund;

(c) a coal severance tax permanent fund;

(d) a coal severance tax income fund; and

(e) a big sky economic development fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections (3) and (4).

(3) (a) Until June 30, 2016 2020, the state treasurer shall quarterly transfer to the treasure state endowment fund 50% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the treasure state endowment fund to the treasure state endowment special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund.

(4) (a) From July 1, 2005, through June 30, 2025, the state treasurer shall quarterly transfer to the big sky economic development fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the big sky economic development fund to the economic development special revenue account, provided for in 90-1-205, the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-1-204. Earnings not transferred to the economic development special revenue account must be retained in the big sky economic development fund.

(5) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund.""

Renumber: subsequent sections

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

21. Page 7, line 25.

Strike: "a list"

Insert: "two lists"

22. Page 7, line 27.

Following: "(2)"

Insert: "and this subsection. One list must contain the ranked and recommended bridge projects and the other list must contain the remaining ranked and recommended infrastructure projects referred to in 90-6-701(3)(a). Each list must be prioritized pursuant to subsection (2) of this section, but the department may recommend up to 20% of the interest earnings anticipated to be deposited into the treasure state endowment fund established in 17-5-703 during the following biennium for bridge projects."

23. Page 7, line 29.

Strike: "a list"

Insert: "the lists"

24. Page 8, line 21.

Insert: "Section 15. Section 6, Chapter 495, Laws of 1999, is amended to read:

"Section 6. Termination. [This act] terminates June 30, ~~2013~~ 2020."

Insert: "Section 16. Section 1, Chapter 70, Laws of 2001, is amended to read:

"Section 1. Section 6, Chapter 495, Laws of 1999, is amended to read:

"Section 6. Termination. ~~[This act]~~ [This act] ~~terminates~~ terminates June 30, ~~2013~~ 2016 2020.""

Insert: "NEW SECTION. **Section 17. Repealer.** Section 2, Chapter 70, Laws of 2001, is repealed."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 411, do pass. Report adopted.

HB 475, do pass. Report adopted.

NATURAL RESOURCES (Hendrick, Chairman):

3/18/2011

SB 100, be amended as follows:

1. Title, line 5.

Strike: "FUTURE"

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

2. Page 1, line 25.

Strike: "court proceedings commenced"

Insert: "compensatory damages awarded on or"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/18/2011

HB 42, introduced by Hollenbaugh

HB 49, introduced by Hands

HB 110, introduced by Welborn

HB 213, introduced by Harris

House bills concurred in and returned to the House:

3/18/2011

HB 141, introduced by K. Peterson

HB 181, introduced by Arntzen

HB 259, introduced by Loney

HB 293, introduced by Connell

HB 484, introduced by Squires

HB 497, introduced by Clark

House bill not concurred in and returned to the House:

3/18/2011

HB 446, introduced by Hill

Senate bills passed and transmitted to the House for concurrence:

3/19/2011

SB 299, introduced by Hamlett

SB 317, introduced by Vincent

Senate joint resolution passed and transmitted to the House for concurrence:

3/19/2011

SJR 15, introduced by Tutvedt

House bills concurred in and returned to the House:

3/19/2011

HB 219, introduced by McGillvray

HB 273, introduced by Mehlhoff

HB 536, introduced by Flynn

HB 573, introduced by Hunter

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

House joint resolution concurred in and returned to the House:

3/19/2011

HJR 1, introduced by Milburn

MESSAGES FROM THE GOVERNOR

March 18, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 39** sponsored by Representative Hollenbaugh, **House Bill 76** sponsored by Representative Mehlhoff, **House Bill 97** sponsored by Representative Menahan, and **House Bill 182** sponsored by Representative Arntzen on March 18, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 629, introduced by Knudsen, referred to Local Government.

HB 630, introduced by Knudsen, Olson, Rosendale, Hansen, referred to Taxation.

HB 631, introduced by Menahan, referred to Judiciary.

HB 632, introduced by Taylor, referred to State Administration.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 24, introduced by Blyton, Hale, Beck, Arntzen, Hollandsworth, Taylor, C. Smith, Read, Ingraham, Miller, Harris, Buttrey, Flynn, Rosendale, Washburn, Howard, Kennedy, Skees, Kary, Ehli, referred to Taxation.

HJR 25, introduced by Malek, referred to Business and Labor.

The following Senate bills were introduced, read first time, and referred to committees:

SB 299, introduced by Hamlett, Brown, referred to Natural Resources.

SB 317, introduced by Vincent, Hale, Cook, G. Bennett, Hinkle, Brenden, Mowbray, MacLaren, De. Barrett, Lewis, Tutvedt, Steinbeisser, Buttrey, Flynn, Jackson, Balyeat, Essmann, J. Peterson,

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

McGillvray, Warburton, McNutt, Cuffe, Ingraham, Taylor, Hendrick, Blyton, Kary, Olson, Priest, Ripley, Walker, Edmunds, C. Smith, Milburn, Moore, Jones, Roberts, Wittich, Ehli, Read, Stahl, Osmundson, Sonju, Loney, Lavin, Connell, Knudsen, Reichner, referred to Natural Resources.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 15, introduced by Tutvedt, referred to Agriculture.

MOTIONS

Representative Fitzpatrick moved to take **SB 337** from Third Reading and place it on Second Reading for the purpose of an amendment. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 7 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Miller, O'Neil.

Total 2

Excused: Kennedy, Osmundson, Sands, Swanson.

Total 4

Absent or not voting: None.

Total 0

SB 12 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick,

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: McGillvray, More, Skattum.

Total 3

Excused: Kennedy, Osmundson, Sands, Swanson.

Total 4

Absent or not voting: None.

Total 0

SB 120 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: None.

Total 0

Excused: Kennedy, Osmundson, Sands, Swanson.

Total 4

Absent or not voting: None.

Total 0

SB 125 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil,

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.
Total 30

Excused: Kennedy, Osmundson, Sands, Swanson.
Total 4

Absent or not voting: None.
Total 0

SB 138 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.
Total 30

Excused: Kennedy, Osmundson, Sands, Swanson.
Total 4

Absent or not voting: None.
Total 0

SB 146 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts,

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: None.
Total 0

Excused: Kennedy, Osmundson, Sands, Swanson.
Total 4

Absent or not voting: None.
Total 0

SB 205 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 79

Nays: Blasdel, Blyton, Brodehl, Edmunds, Esp, Fitzpatrick, Flynn, Kerns, Knox, Miller, More, O'Neil, Skattum, Skees, C. Smith, Vance, Wagner.
Total 17

Excused: Kennedy, Osmundson, Sands, Swanson.
Total 4

Absent or not voting: None.
Total 0

SB 279 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 69

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.

Total 27

Excused: Kennedy, Osmundson, Sands, Swanson.

Total 4

Absent or not voting: None.

Total 0

SB 342 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Yates, Mr. Speaker.

Total 75

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Hands, Hill, Hunter, MacDonald, Malek, McNally, Miller, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Squires, Welborn, Wilmer.

Total 21

Excused: Kennedy, Osmundson, Sands, Swanson.

Total 4

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative O'Neil in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 9 - Representative McGillvray moved consideration of **HB 9** be passed for the day. Motion carried.

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

SB 176 - Representative More moved **SB 176** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 3 - Representative Mehlhoff moved **HB 3** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kennedy, Klock, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Reichner, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Welborn, Williams, Wilmer, Mr. Speaker.

Total 61

Nays: Arntzen, Bangerter, G. Bennett, Blasdel, Blyton, Brodehl, Fitzpatrick, Greef, Hale, Hansen, Harris, Hendrick, Ingraham, Kary, Kerns, Knox, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Neil, Peterson, Randall, Read, Regier, Reinhart, Rosendale, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Yates.

Total 38

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

HB 4 - Representative Mehlhoff moved **HB 4** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kennedy, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Warburton, Welborn, Williams, Wilmer, Mr. Speaker.

Total 67

Nays: Arntzen, G. Bennett, Blasdel, Blyton, Esp, Flynn, Hale, Hansen, Hendrick, Howard, Ingraham, Kary, Kerns, Knox, Lavin, McGillvray, McNiven, Miller, More, O'Neil, Peterson, Randall, Read, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Washburn, Yates.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 5 - Representative Sesso moved **HB 5** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 72

Nays: Arntzen, Blasdel, Blyton, Esp, Greef, Hale, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Loney, McGillvray, McNiven, Miller, More, Osmundson, Randall, Regier, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Washburn.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

SB 294 - Representative Reichner moved **SB 294** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Swanson, Welborn, Williams, Wilmer, Yates.

Total 75

Nays: Blyton, Burnett, Esp, Flynn, Hansen, Kary, Kennedy, Kerns, Knox, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Rosendale, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 24

Excused: None.

Total 0

Absent or not voting: Harris.

Total 1

HB 6 - Representative McChesney moved **HB 6** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 78

Nays: Arntzen, Blasdel, Brodehl, Clark, Greef, Hale, Hansen, Harris, Hendrick, Howard, Kennedy, Kerns, Knox, More, O'Neil, Osmundson, Randall, Skattum, Skees, C. Smith, Vance, Wagner.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

HB 7 - Representative Belcourt moved **HB 7** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 67

Nays: Arntzen, G. Bennett, Blasdel, Blyton, Burnett, Edmunds, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Kary, Kerns, Knox, McGillvray, McNiven, Miller, More, O'Neil, Randall, Read, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Welborn.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 490 - Representative Warburton moved **HB 490** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 62

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 37

Excused: None.

Total 0

Absent or not voting: McNutt.

Total 1

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

HB 574 - Representative Warburton moved **HB 574** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: McNutt.

Total 1

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman O'Neil moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.

Total 27

Excused: Kennedy, Osmundson, Sands, Swanson.

Total 4

Absent or not voting: Salomon.

Total 1

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 21, 2011

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 609**
Motion carried.

HB 609 (MacLaren Chief Sponsor)

Representative G. Bennett, Blyton, Connell, Esp, Flynn, Hale, Hendrick, Hollandsworth, Kary, Kennedy, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, Milburn, Miller, More, O'Neil, Osmundson, Regier, Reichner, Rosendale, Salomon, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn. Senator Essmann, Hutton, Jackson, Moore, Olson, Ripley, Tutvedt, Vincent, Walker, Zinke.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Tuesday, March 22, 2011. Motion carried.

House adjourned at 3:02 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SIXTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
March 22, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Brodehl. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Sands and Swanson, excused. Quorum present.

BILLS (O'Hara, Chairman): 3/22/2011

Correctly printed: **HB 157, HB 388, HB 444, HB 463, HB 565, HB 622, SB 9, SB 35, SB 87, SB 140, SB 266, SB 286, SB 292.**

Correctly engrossed: **HB 140, HB 209, HB 274, HB 283, HB 296, HB 317, HB 343, HB 439, HB 495, HB 534, HB 585, HB 587, HB 602, HB 603, HB 611, HB 613, HB 619, SB 15, SB 42, SB 172, SB 201, SB 327, SB 351.**

Examined by the sponsor and found to be correct: **HB 141, HB 219, HB 259, HB 273, HB 293, HB 484, HB 497, HB 536, HB 573, HJR 1.**

Signed by the Speaker at 1:10 p.m., March 22, 2011: **HB 52, HB 64, HB 94, HB 99, HB 181, HB 254, HB 270, HB 293, HB 348, HB 374.**

Signed by the Chief Clerk of the House at 11:07 a.m., March 22, 2011: **HB 52, HB 64, HB 94, HB 99, HB 181, HB 254, HB 270, HB 293, HB 348, HB 374.**

Delivered to the Governor for approval at 3:07 p.m., March 22, 2011: **HB 28, HB 37, HB 63, HB 70, HB 126, HB 327, HB 426.**

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman): 3/21/2011

HB 140, introduced bill, be amended as follows:

1. Page 4, line 25.

Strike: "2013"

Insert: "2015"

And, as amended, do pass. Report adopted.

HB 209, introduced bill, be amended as follows:

1. Page 6, line 4.

Following: "Termination."

Insert: "(1)"

2. Page 6, line 5.

Insert: "(2) [Section 5] terminates June 30, 2015."

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

3. Page 6, line 11.

Strike: "SECTIONS 3 AND 4] TERMINATE"

Insert: "[Section 4] terminates"

And, as amended, do pass. Report adopted.

HB 274, introduced bill, be amended as follows:

1. Page 5.

Strike: line 2 through line 3 in their entirety

And, as amended, do pass. Report adopted.

HB 283, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Following: "PREMIUMS;"

Insert: "IMPOSING A FEE FOR REVIEW OF INDUSTRY-APPROVED ACTUARIAL STANDARDS
BASED ON SEX;"

2. Title, page 1, line 9.

Strike: "SECTION"

Insert: "SECTIONS 33-2-708, 33-16-203, AND"

3. Page 1, line 30.

Following: line 29

Insert: "**Section 1.** Section 33-2-708, MCA, is amended to read:

"33-2-708. (Temporary) Fees and licenses. (1) (a) Except as provided in 33-17-212(2), the commissioner shall collect a fee of \$1,900 from each insurer applying for or annually renewing a certificate of authority to conduct the business of insurance in Montana.

(b) The commissioner shall collect certain additional fees as follows:

(i) nonresident insurance producer's license:

(A) application for original license, including issuance of license, if issued, \$100;

(B) biennial renewal of license, \$50;

(C) lapsed license reinstatement fee, \$100;

(ii) resident insurance producer's license lapsed license reinstatement fee, \$100;

(iii) surplus lines insurance producer's license:

(A) application for original license and for issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(iv) insurance adjuster's license:

(A) application for original license, including issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(v) insurance consultant's license:

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

- (A) application for original license, including issuance of license, if issued, \$50;
- (B) biennial renewal of license, \$100;
- (C) lapsed license reinstatement fee, \$200;
- (vi) viatical settlement broker's license:
 - (A) application for original license, including issuance of license, if issued, \$50;
 - (B) biennial renewal of license, \$100;
 - (C) lapsed license reinstatement fee, \$200;
- (vii) resident and nonresident rental car entity producer's license:
 - (A) application for original license, including issuance of license, if issued, \$100;
 - (B) quarterly filing fee, \$25;
- (viii) an original notification fee for a life insurance producer acting as a viatical settlement broker, in accordance with 33-20-1303(2)(b), \$50;
- (ix) 50 cents for each page for copies of documents on file in the commissioner's office;
- (x) review of industry-approved actuarial standards based on sex as provided in 33-16-203 and 49-2-309, \$2,360.

(c) The commissioner may adopt rules to determine the date by which a nonresident insurance producer, a surplus lines insurance producer, an insurance adjuster, or an insurance consultant is required to pay the fee for the biennial renewal of a license.

(2) (a) The commissioner shall charge a fee of \$75 for each course or program submitted for review as required by 33-17-1204 and 33-17-1205, but may not charge more than \$1,500 to a sponsoring organization submitting courses or programs for review in any biennium.

(b) Insurers and associations composed of members of the insurance industry are exempt from the charge in subsection (2)(a).

(3) (a) Except as provided in subsection (3)(b), the commissioner shall promptly deposit with the state treasurer to the credit of the general fund all fines and penalties and those amounts received pursuant to 33-2-311, 33-2-705, 33-28-201, and 50-3-109.

(b) The commissioner shall deposit 16.67% of the money collected under 33-2-705 in the special revenue account provided for in 53-4-1115.

(c) All other fees collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33 must be deposited in the state special revenue fund to the credit of the state auditor's office.

(4) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of \$10 will be refunded. (Terminates June 30, 2013--sec. 35(2), Ch. 486, L. 2009.)

33-2-708. (Effective July 1, 2013) Fees and licenses. (1) (a) Except as provided in 33-17-212(2), the commissioner shall collect a fee of \$1,900 from each insurer applying for or annually renewing a certificate of authority to conduct the business of insurance in Montana.

(b) The commissioner shall collect certain additional fees as follows:

(i) nonresident insurance producer's license:

(A) application for original license, including issuance of license, if issued, \$100;

(B) biennial renewal of license, \$50;

(C) lapsed license reinstatement fee, \$100;

(ii) resident insurance producer's license lapsed license reinstatement fee, \$100;

(iii) surplus lines insurance producer's license:

(A) application for original license and for issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

- (C) lapsed license reinstatement fee, \$200;
- (iv) insurance adjuster's license:
 - (A) application for original license, including issuance of license, if issued, \$50;
 - (B) biennial renewal of license, \$100;
 - (C) lapsed license reinstatement fee, \$200;
- (v) insurance consultant's license:
 - (A) application for original license, including issuance of license, if issued, \$50;
 - (B) biennial renewal of license, \$100;
 - (C) lapsed license reinstatement fee, \$200;
- (vi) viatical settlement broker's license:
 - (A) application for original license, including issuance of license, if issued, \$50;
 - (B) biennial renewal of license, \$100;
 - (C) lapsed license reinstatement fee, \$200;
- (vii) resident and nonresident rental car entity producer's license:
 - (A) application for original license, including issuance of license, if issued, \$100;
 - (B) quarterly filing fee, \$25;
- (viii) an original notification fee for a life insurance producer acting as a viatical settlement broker, in accordance with 33-20-1303(2)(b), \$50;
- (ix) 50 cents for each page for copies of documents on file in the commissioner's office.
- (x) review of industry-approved actuarial standards based on sex as provided in 33-16-203 and 49-2-309, \$2,360.
- (c) The commissioner may adopt rules to determine the date by which a nonresident insurance producer, a surplus lines insurance producer, an insurance adjuster, or an insurance consultant is required to pay the fee for the biennial renewal of a license.
- (2) (a) The commissioner shall charge a fee of \$75 for each course or program submitted for review as required by 33-17-1204 and 33-17-1205, but may not charge more than \$1,500 to a sponsoring organization submitting courses or programs for review in any biennium.
- (b) Insurers and associations composed of members of the insurance industry are exempt from the charge in subsection (2)(a).
- (3) (a) Except as provided in subsection (3)(b), the commissioner shall promptly deposit with the state treasurer to the credit of the general fund all fines and penalties and those amounts received pursuant to 33-2-311, 33-2-705, 33-28-201, and 50-3-109.
- (b) The commissioner shall deposit 33% of the money collected under 33-2-705 in the special revenue account provided for in 53-4-1115.
- (c) All other fees collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33 must be deposited in the state special revenue fund to the credit of the state auditor's office.
- (4) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of \$10 will be refunded."

Insert: "Section 2. Section 33-16-203, MCA, is amended to read:

"33-16-203. Rates filed. (1) Every insurer, rating organization, or advisory organization shall file with the commissioner all rates intended for use within this state, together with supporting data sufficient to substantiate the filing. The filing required by this subsection may be made by rating organizations on behalf of their members and subscribers. However, this provision does not

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

prohibit a member or subscriber from filing rates on its own behalf. Any deviations from a rating organization's rates by a member or subscriber must be filed with the commissioner and must be accompanied by supporting data.

(2) Rates filed must provide for a premium reduction to:

- (a) qualified insured operators 55 years of age or older in accordance with 33-16-222; or
- (b) qualified members of the Montana national guard in accordance with 33-16-230.

(3) An insurer, rating organization, or advisory organization that files rates with the commissioner in order to use industry-approved actuarial standards based on sex in establishing insurance premium rates as provided in 49-2-309 shall submit a fee of \$2,360 with the filing.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 296, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Following: "CONSTRUCTION;"

Insert: "PROVIDING CONDITIONS FOR A TRANSFER OF MONEY TO THE GENERAL FUND;"

2. Page 4, line 8.

Insert: "NEW SECTION. **Section 7. Contingency -- termination and transfer to the general fund.** If House Bill No. 439 is passed and approved in a form that appropriates at least \$5 million from the capital projects fund for the construction of the southwestern Montana veterans' home and [sections 2 through 7 of House Bill No. 439] become effective pursuant to the contingency contained in [section 10 of House Bill No. 439], then:

(1) [sections 1 through 6 of this act] terminate on the date on which [sections 2 through 7 of House Bill No. 439] become effective;

(2) the state treasurer shall transfer the remaining fund balance in the state special revenue fund established in section 2, Chapter 461, Laws of 2009, for the construction of the state veterans' home in southwestern Montana to the general fund; and

(3) the department of administration shall notify the code commissioner of the occurrence of any determination made pursuant to this section and the date of the occurrence."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 317, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "ELIMINATING " on page 1, line 5 through "PAYMENT;" on page 1, line 6

2. Title, page 1, line 8.

Strike: "5-13-403, 7-4-2502,"

Strike: "10-3-203, 10-3-310,"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

3. Title, page 1, line 9.

Strike: "10-3-314, 10-4-301, 15-1-121, 15-1-218, 15-36-332, 15-37-117, 15-39-110,"

Strike: "15-70-101,"

4. Title, page 1, line 10.

Strike: "17-3-106,"

Strike: "17-3-212, 17-3-222, 17-3-241, 17-6-101,"

Strike: "18-11-112,"

5. Title, page 1, line 11.

Strike: line 11

6. Title, page 1, line 12.

Strike: "20-26-1503,"

7. Title, page 1, line 13.

Strike: "50-4-623,"

8. Title, page 1, line 14.

Strike: "60-11-115,"

Strike: "75-1-1101,"

9. Title, page 1, line 15.

Strike: "77-2-362, 80-2-222, 80-4-416,"

Strike: "87-1-603,"

10. Page 3, line 10 through page 4, line 17.

Strike: section 4 through section 5 in their entirety

Renumber: subsequent sections

11. Page 5, line 29 through page 7, line 4.

Strike: section 10 through section 11 in their entirety

Renumber: subsequent sections

12. Page 7, line 22 through page 27, line 18.

Strike: section 13 through section 19 in their entirety

Renumber: subsequent sections

13. Page 29, line 4 through page 31, line 14.

Strike: section 21 in its entirety

Renumber: subsequent sections

14. Page 34, line 20 through page 34, line 30.

Strike: section 25 in its entirety

Renumber: subsequent sections

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

15. Page 35, line 9 through page 36, line 25.

Strike: section 27 through section 30 in their entirety

Renumber: subsequent sections

16. Page 37, line 20 through page 38, line 3.

Strike: subsection (5) in its entirety

Insert: "(5)(a) The statutory appropriation and authority to spend for the following laws terminate on June 30, 2014: 2-17-105; 5-11-120; 5-11-407; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-312; 15-65-121; 15-70-369; 15-70-601; and 16-11-509.

(b) The statutory appropriation and authority to spend for the following laws terminate on June 30, 2016: 17-3-112; 20-8-107; 20-9-534; 20-9-622; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; and 23-7-402.

(c) The statutory appropriation and authority to spend for the following laws terminate on June 30, 2018: 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 53-1-109; 53-24-108; 53-24-206; and 61-3-415.

(d) The statutory appropriations and authority to spend for the following laws terminate on June 30, 2020: 69-3-870; 75-5-1108; 75-6-214; 75-11-313; 77-1-108; 80-11-518; 81-10-103; 82-11-161; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; and 90-9-306."

17. Page 38, line 24 through page 45, line 3.

Strike: section 32 through section 42 in their entirety

Renumber: subsequent sections

18. Page 46, line 25 through page 47, line 20.

Strike: section 46 in its entirety

Renumber: subsequent sections

19. Page 56, line 27 through page 57, line 6.

Strike: section 62 in its entirety

Renumber: subsequent sections

20. Page 60, line 2 through page 60, line 17.

Strike: section 66 in its entirety

Renumber: subsequent sections

21. Page 61, line 28 through page 62, line 30.

Strike: section 69 in its entirety

Renumber: subsequent sections

22. Page 65, line 19 through page 67, line 26.

Strike: section 74 through section 76 in their entirety

Renumber: subsequent sections

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

23. Page 70, line 18 through page 71, line 18.

Strike: section 80 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 343, introduced bill, be amended as follows:

1. Page 3.

Strike: line 4 through line 7 in their entirety

Renumber: subsequent subsections

2. Page 3, line 10.

Following: "commission;"

Insert: "and"

3. Page 3.

Strike: line 11 in its entirety

Renumber: subsequent subsections

4. Page 3, line 12.

Strike: "; and"

Insert: "."

5. Page 3.

Strike: line 13 in its entirety

6. Page 3.

Following: line 19

Insert: "(c) For purposes of this section, "program" has the meaning provided in 17-7-102 unless the governor's budget director and the legislative fiscal analyst reach an agreement to define the term differently for a specific agency's zero-based budget submission."

7. Page 12, line 12.

Strike: "for agencies with more than 20 FTE,"

8. Page 12, line 15 through line 18.

Strike: "Exempt" on line 15 through "fund." on line 18

And, as amended, do pass. Report adopted.

HB 388, do pass. Report adopted.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

HB 439, introduced bill, be amended as follows:

1. Page 1, line 20.

Strike: "\$2,000,000"

Insert: "\$20,000,000"

2. Page 1, line 26.

Strike: "6"

Insert: "7"

3. Page 1, line 28.

Strike: "6"

Insert: "7"

4. Page 2, line 2.

Strike: "4"

Insert: "5"

5. Page 2.

Following: line 8

Insert: "(7) Montana state university-Northern, auto tech center, \$7.9 million;"

Renumber: subsequent subsections

6. Page 2, line 12.

Insert: "NEW SECTION. Section 4. Appropriations and authorizations. The following money is appropriated to the department of administration for the indicated capital projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization:

 (1) Southwestern Montana veterans' home, Silver Bow County, \$9 million of federal special revenue funds;

 (2) Montana state university-Billings, science and instructional tech building, \$0.5 million of unanticipated federal special revenue funds, auxiliary funds, donations, grants, and higher education funds; and

 (3) University of Montana-Missoula college of technology, new facility, \$3.5 million of unanticipated federal special revenue funds, auxiliary funds, donations, grants, and higher education funds."

Renumber: subsequent sections

7. Page 2, line 14.

Strike: "\$89.9"

Insert: "\$97.8"

8. Page 2, line 25.

Strike: "6"

Insert: "7"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

9. Page 2, line 28.

Strike: "[section 3]"

Insert: "[sections 3 and 4]"

10. Page 2, line 29.

Strike: "[section 3]"

Insert: "[sections 3 and 4]"

11. Page 3, line 5.

Strike: "4"

Insert: "5"

12. Page 3, line 11.

Strike: "6"

Insert: "7"

13. Page 3, line 14.

Strike: "\$2,000,000"

Insert: "\$20,000,000"

And, as amended, do pass. Report adopted.

HB 463, do pass. Report adopted.

HB 495, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "2013;"

Insert: "REVISING THE ENTITLEMENT SHARE GROWTH RATE;"

2. Page 3, line 20.

Strike: "a"

Insert: "an entitlement share"

3. Page 3, line 22.

Following: "2013."

Insert: "(b)"

4. Page 3, line 22.

Strike: "even-numbered"

5. Page 3, line 23.

Strike: "each"

Insert: "the current"

Strike: "of the next biennium"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

6. Page 9, line 30 through page 10, line 23.

Strike: "average" on page 9, line 30 through "70%." on page 10, line 23

Insert: "entitlement share growth rate based on the ratio of two factors of state revenue sources for the first, second, and third most recently completed fiscal years as recorded on the statewide budgeting and accounting system. The first factor is the sum of the revenue for the first and second previous completed fiscal years received from the sources referred to in subsection (2)(b), (2)(c), and (2)(g) divided by the sum of the revenue for the second and third previous completed fiscal years received from the same sources multiplied by 0.75. The second factor is the sum of the revenue for the first and second previous completed fiscal years received from individual income tax as provided in Title 15, chapter 30, and corporation income tax as provided in Title 15, chapter 31, divided by the sum of the revenue for the second and third previous completed fiscal years received from the same sources multiplied by 0.25.

(ii) Except as provided in subsection (4)(b)(iii), the entitlement share growth rate is the lesser of:

(A) the sum of the first factor plus the second factor; or

(B) 1.03 for counties, 1.0325 for consolidated local governments, and 1.035 for cities and towns.

(iii) In no instance can the entitlement growth factor be less than 1. The entitlement share growth rate is applied to the most recently completed fiscal year entitlement payment to determine the subsequent fiscal year payment."

7. Page 13, line 25.

Strike: the first "pool"

And, as amended, do pass. Report adopted.

EDUCATION (Reichner, Chairman):

3/21/2011

HB 603, introduced bill, be amended as follows:

1. Title, page 1, line 11.

Strike: "PROVIDING RULEMAKING AUTHORITY;"

2. Title, page 1, line 12.

Following: "COSTS;"

Insert: "PROVIDING SPENDING AUTHORITY;"

3. Page 2, lines 9 through 11.

Strike: lines 9 through 11 in their entirety

4. Page 4.

Strike: lines 14 and 15

Insert: "There is an independent state public charter school commission with statewide chartering jurisdiction and authority."

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

5. Page 4, lines 19 and 20.

Strike: "by the governor and are subject to the following qualifications:"

Insert: "as follows:"

- (a) three members appointed by the governor;
- (b) three members appointed by the president of the senate; and
- (c) three members appointed by the speaker of the house.
- (4) The commission members are subject to the following qualifications:"

Renumber: subsequent subsections

6. Page 4, line 21.

Strike: "and"

Following: line 21

Insert: "(b) no more than two members may be public employees;

(c) one of the public employee members may be from the board of public education; and"

Renumber: subsequent subsections

7. Page 4, line 22.

Following: "governor"

Insert: ", president of the senate, and speaker of the house"

8. Page 4, lines 28 through 30.

Strike: "Members" on line 28 through "." on line 30.

Insert: "Each appointing authority shall appoint one member to a 4-year term, one member to a 3-year term, and one member to a 2-year term."

9. Page 5, line 7.

Following: "office"

Insert: ", including but not limited to failure to approve an authorizer without just cause and interference with the functions of the commission as set forth in [sections 1 through 17]"

10. Page 5, line 9.

Strike: "subsection (3)"

Insert: "subsections (3) and (4)"

11. Page 5, following line 11.

Insert: "(10) The commission is authorized to receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of [sections 1 through 17], subject to the terms and conditions under which they are given.

(11) The commission is allocated to the department of administration for administrative purposes only as prescribed by 2-15-121, with the exception of 2-15-121(2)(d). The commission shall hire employees necessary to carry out the purposes of [sections 1 through 17]."

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

12. Page 5, line 24.

Strike: "subsection (4)"

Insert: "this section"

13. Page 8, line 23.

Following: "funding"

Strike: "and an oversight fee"

14. Page 8, line 24.

Following: "state."

Insert: "Authorizer funding is financed through an oversight fee."

15. Page 21, lines 23 and 24.

Following: "unless"

Strike: "the" on line 23 through "school" on line 24

Insert: ": (a) the public charter school is being converted from an existing public school;
(b) the school district elects to establish a public charter school;
(c) the school district elects to convert a grade or grades to a public charter school from an existing school;
(d) the public charter school is a tribal charter school; or
(e) the public charter school is a virtual public charter school"

16. Page 22, line 6.

Following: "provisions."

Insert: "Funds must be paid from the state directly to a public charter school in the same manner and at the same time as funds are paid to public school districts under this title."

17. Page 22, line 7.

Following: "For"

Strike: "budgeting purposes,"

Insert: "receipt of BASE aid as defined in 20-9-306 or other county equalization aid,"

18. Page 23, line 25 through page 24, line 24.

Strike: subsection (10) in its entirety

19. Page 24, line 27.

Strike: "on"

Insert: "by"

20. Page 25, lines 6 and 7.

Following: "20-9-311"

Strike: "and approved by the superintendent of public instruction"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

21. Page 25, line 18.

Following: "chapter 9."

Insert: "A public charter school may expend funds according to its charter contract and is not subject to budget restrictions under Title 20, chapter 9."

22. Page 25, lines 26 through 28.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

23. Page 26, lines 9 through 11.

Strike: subsection (8) in its entirety

Insert: "(8) Nothing in [sections 1 through 17] may be construed to prohibit any person or organization from providing funding or other assistance for the establishment or operation of a public charter school. The governing board of a public charter school is authorized to accept gifts, donations, and grants of any kind made to the public charter school and to expend or use the gifts, donations, or grants in accordance with the conditions prescribed by the donor. A gift, donation, or grant may not be accepted if the gift, donation, or grant is subject to a condition that is contrary to any provision of law or term of the charter contract.

(9) Money received by a public charter school from any source and remaining in the public charter school's accounts at the end of a budget year must remain in the public charter school's accounts for use by the public charter school in subsequent years."

24. Page 27, line 26.

Following: "schools."

Insert: "A gift, donation, or grant made directly to a public charter school or schools is not prohibited by this subsection."

25. Page 38, line 10.

Following: "and"

Strike: "hire"

Insert: "approve"

Following: "establishment"

Strike: "or conversion"

26. Page 38, line 11.

Insert: "The appropriation must be made upon passage and approval of [this act]."

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Hendrick, Chairman):

3/21/2011

SB 9, be concurred in. Report adopted.

SB 35, be concurred in. Report adopted.

SB 87, be concurred in. Report adopted.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

SB 286, be concurred in. Report adopted.

SB 292, be concurred in. Report adopted.

SB 327, be amended as follows:

1. Page 1, line 27.

Following: "supply"

Strike: "and"

Insert: ", "

Following: "streamflows"

Insert: ", and fisheries"

And, as amended, be concurred in. Report adopted.

TRANSPORTATION (Vance, Chairman):

3/21/2011

SB 140, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/21/2011

HB 117, introduced by Hunter

HB 229, introduced by McNutt

HB 250, introduced by Menahan

HB 298, introduced by McNutt

HB 324, introduced by MacLaren

HB 337, introduced by Menahan

HB 401, introduced by Arntzen

HB 422, introduced by Hale

HB 432, introduced by Berry

HB 449, introduced by Blasdel

HB 481, introduced by Belcourt

HB 517, introduced by McNutt

HB 523, introduced by Arntzen

HB 531, introduced by Fitzpatrick

HB 559, introduced by Esp

HB 568, introduced by Wagner

House joint resolution concurred in and returned to the House:

3/21/2011

HJR 17, introduced by Stahl

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

3/21/2011

HB 95, introduced by McNutt

Senate bill passed and transmitted to the House for concurrence:

3/21/2011

SB 389, introduced by Van Dyk

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 633, introduced by Esp, referred to Appropriations.

HB 634, introduced by B. Bennett, referred to Judiciary.

HB 635, introduced by Hansen, referred to Appropriations.

HB 636, introduced by Loney, referred to Transportation.

The following Senate bill was introduced, read first time, and referred to committee:

SB 389, introduced by Van Dyk, referred to Business and Labor.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 9 - Representative Hollenbaugh moved **HB 9** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Taylor, Williams, Wilmer, Yates, Mr. Speaker.

Total 59

Nays: Arntzen, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Edmunds, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Regier, Reichner,

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Rosendale, Skattum, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Welborn.
Total 41

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 171 - Senate Amendments - Representative Ingraham moved Senate amendments to **HB 171** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 375 - Representative Cook moved **HB 375** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hendrick, Hill, Hiner,

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 533 - Representative Berry moved **HB 533** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, Phillips, Price, Reinhart, Sands, Schmidt, Squires, Swanson, Williams.

Total 21

Excused: None.

Total 0

Absent or not voting: Arntzen, McNally.

Total 2

SB 201 - Representative Vance moved **SB 201** be concurred in.

SB 201 - Representative Hunter moved **SB 201**, second reading copy, be amended as follows:

1. Title, page 1, line 8 through line 11.

Strike: "REQUIRING" on line 8 through "RULES;" on line 11

2. Title, page 1, line 11.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "2-4-103," through "2-4-506,"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

3. Page 1, line 17.

Following: "adversely"

Insert: "or positively"

4. Page 1, line 18.

Strike: "not adversely"

5. Page 1, line 20.

Following: "adverse"

Insert: "or positive"

6. Page 1, line 23.

Following: "adverse"

Insert: "or positive"

7. Page 1, following line 28.

Insert: "(3) The office of economic development, established in 2-15-218, shall advise and assist agencies in complying with this section."

8. Page 1, line 30 through page 2, line 6.

Strike: section 2 in its entirety

Renumber: subsequent subsections

9. Page 4, line 12 through page 6, line 30.

Strike: sections 4 through 7 in their entirety

Renumber: subsequent sections

10. Page 7, line 5.

Strike: "[Sections 1 and 2] are"

Insert: "[Section 1] is"

11. Page 7, line 6 through line 7.

Strike: "[sections]" on line 6 through "2]" on line 7

Insert: "[section 1]"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: Burnett, Esp.
Total 2

Excused: None.
Total 0

Absent or not voting: Howard.
Total 1

SB 201 - Representative Vance moved **SB 201**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: Burnett.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 238 - Representative Menahan moved **SB 238** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson,

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Fitzpatrick, Gibson, Hale, Hansen, Knudsen, Miller, Rosendale, C. Smith, Stahl, Taylor, Vance, Warburton.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 351 - Representative Rosendale moved **SB 351** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: Blyton, Cuffe, Edmunds, Hale, Kennedy, Kerns, Knox, Miller, More, O'Neil, Osmundson, Pease-Lopez, Wagner.

Total 13

Excused: Swanson.

Total 1

Absent or not voting: Hands, C. Smith.

Total 2

HB 10 - Representative Hollenbaugh moved **HB 10** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven,

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: Blasdel, Blyton, Cuffe, Esp, Hale, Howard, Kerns, Knox, More, O'Neil, Randall, Regier, Salomon, Skattum, Vance, Wagner, Warburton.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 15 - Representative Schmidt moved **HB 15** do pass.

HB 15 - Representative Cook moved **HB 15**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

Following: "ACCOUNT"

Insert: "OR THE GUARANTEE ACCOUNT"

2. Page 4, line 2.

Insert: "COORDINATION SECTION. Section 6. Coordination instruction. If Senate Bill No. 403 is passed and approved in a form that allows grants to public school districts for school facility and technology projects from the guarantee account by amending 90-6-802, then [section 1 of this act] must be amended as follows:

"NEW SECTION. Section 1. Appropriations from school facility and technology account -- grants for school facility projects. (1) There is appropriated \$11,069,265 to the department of commerce for the biennium beginning July 1, 2011, from the ~~school facility and technology account provided for in 20-9-516~~ guarantee account provided for in 20-9-622 in the state special revenue fund to be used to finance grants authorized by this section.

(2) The funds appropriated in subsection (1) must be used by the department to make grants to the public school districts listed in subsection (3) for the described purposes and in amounts not to exceed the amounts set out in subsection (3). The appropriations are subject to the conditions set forth in 90-6-

812 and described in the quality schools facility grant program 2013 biennium report to the 62nd legislature. The legislature, pursuant to 90-6-809 and 90-6-810, authorizes the grants for the projects listed in subsection (3). The department shall commit funds to projects listed in subsection (3), up to the amounts authorized, based on the manner of disbursement set forth in subsection (5) until the funds appropriated in subsection (1) are expended.

(3) The following applicants and projects are authorized for grants and listed in the order of their priority:

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Applicant/Project	Grant Amount
1. Big Sandy/Lighting and Sensors	\$124,340
2. Sweet Grass Co. HS/HVAC Remodel	\$207,500
3. Somers/Roof Replacement	\$418,142
4. Box Elder/Elementary School Addition	\$799,590
5. Winnett/Finish Shop Building and Purchase Equipment	\$314,107
6. White Sulphur Springs/Geothermal Heating System	\$350,000
7. Helena ELE/ADA Improvement	\$1,429,796
8. Gardiner/Energy Efficiency Upgrades	\$43,694
9. Centerville/Boiler Replacement	\$148,534
10. Shelby ELE/Wall Repairs	\$146,904
11. Fair-Mont-Egan/Classroom Addition	\$379,110
12. Livingston/Roof Replacement	\$709,336
13. Corvallis/New Vocational Facility	\$901,318
14. North Star/Fire Alarm System	\$123,386
15. Choteau/Food Service Facility Repairs	\$344,400
16. Miles City/Upgrade Temperature Controls	\$442,841
17. Shelby HS/Lighting Retrofit	\$102,895
18. Rocky Boy/Replace Emergency Generator	\$72,650
19. Whitefish/HS Campus Redevelopment (Phase I)	\$658,019
20. Colstrip/Upgrade Temperature Controls	\$329,153
21. Whitehall/Roof Replacement	\$534,232
22. Stanford/Boiler Replacement	\$220,500
23. Grass Range/Door and Breezeway Upgrades	\$38,315
24. Superior/Classroom Expansion	\$521,162
25. Geraldine/Energy Efficiency Upgrades	\$106,900
26. Bozeman HS/Lighting Retrofit	\$109,087
27. Frazer/Boiler Replacement	\$243,086
28. Libby/Boiler Replacement	\$391,470
29. Hamilton/Boiler & Heat System Replacement	\$751,000
30. Bozeman ELE/Lighting Retrofit	\$107,798

(4) This section constitutes a valid obligation of funds to the grant recipients listed in subsection (3) for purposes of encumbering the ~~school facility and technology account~~ guarantee account state special revenue funds during the 2013 biennium pursuant to 17-7-302. However, a grant recipient's entitlement to receive funds is dependent on the grant recipient's compliance with the conditions described in 90-6-812 and on the availability of funds.

(5) Funding for projects in subsection (3) must be provided only so long as there are sufficient funds available from the ~~school facility and technology account~~ guarantee account in the state special revenue fund. Funding for these projects must be made available in the order that the grant recipients satisfy the conditions described in 90-6-812. Once all funds appropriated in subsection (1) for the biennium are totally committed to projects that have satisfied the conditions described in 90-6-812, the obligation to any remaining projects ceases.

(6) Grant recipients must complete the projects described in subsection (3) by June 30, 2013, or the grant contract must be terminated."

Insert: "COORDINATION SECTION. Section 7. Coordination instruction. If Senate

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Bill No. 403 is passed and approved in a form that allows grants to public school districts for school facility and technology projects from the guarantee account by amending 90-6-802, then [section 2 of this act] must be amended as follows:

"NEW SECTION. Section 2. Appropriations from school facility and technology account -- emergency grants. There is appropriated \$100,000 to the department of commerce for the biennium beginning July 1, 2011, from the ~~school facility and technology account~~ guarantee account in the state special revenue fund for the purpose of providing emergency grants to public school districts for a school facility project that is necessitated by an emergency, as defined in 90-6-803."

Insert: **"COORDINATION SECTION. Section 8. Coordination instruction.** If Senate Bill No. 403 is passed and approved in a form that allows grants to public school districts for school facility and technology projects from the guarantee account by amending 90-6-802, then [section 3 of this act] must be amended as follows:

"NEW SECTION. Section 3. Appropriations from school facility and technology account -- planning grants. There is appropriated \$900,000 to the department of commerce for the biennium beginning July 1, 2011, from the ~~school facility and technology account~~ guarantee account in the state special revenue fund for the purpose of providing matching planning grants to public school districts for the planning of school facility projects, as defined in 90-6-803."

Insert: **"COORDINATION SECTION. Section 9. Coordination instruction.** If Senate Bill No. 403 is passed and approved in a form that allows grants to public school districts for school facility and technology projects from the guarantee account by amending 90-6-802, then [section 4 of this act] must be amended as follows:

"NEW SECTION. Section 4. Approval of grants -- completion of biennial appropriation. (1) The legislature, pursuant to 90-6-809 and 90-6-810, authorizes grants for the projects identified in [sections 1 through 3].

(2) The authorization of these grants completes a biennial appropriation from the ~~school facility and technology~~ guarantee account state special revenue account provided for in ~~20-9-516(1)~~ 20-9-622."

Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Gibson, Greef, Hale, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Regier, Reichner, Roberts, Skattum, Skees, Small, Wagner, Warburton, Mr. Speaker.

Total 48

Nays: Barrett, Belcourt, B. Bennett, Berry, Boland, Burnett, Court, Driscoll, Fitzpatrick, Flynn, Furey, Hands, Hansen, Harris, Hill, Hiner, Hollenbaugh, Hunter, Kary, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez,

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Phillips, Price, Randall, Read, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates.

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 15 - Representative Schmidt moved **HB 15** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Swanson, Warburton, Williams, Wilmer, Yates, Mr. Speaker.

Total 73

Nays: Arntzen, Blyton, Burnett, Cuffe, Edmunds, Esp, Flynn, Hale, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, More, O'Neil, Peterson, Rosendale, C. Smith, Taylor, Vance, Wagner, Washburn, Welborn.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 51 - Representative Di. Barrett moved **HB 51** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Williams, Wilmer, Yates, Mr. Speaker.

Total 60

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Nays: Ankney, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Cuffe, Edmunds, Esp, Evans, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Kary, Kennedy, Kerns, Knox, McGillvray, Miller, More, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Welborn.
Total 40

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

Nays: B. Bennett, Hill.
Total 2

Excused: Sands, Swanson.
Total 2

Absent or not voting: Connell, McNutt, Regier, Salomon.
Total 4

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 3 passed as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Connell,

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Schmidt, Sesso, Small, F. Smith, Squires, Taylor, Welborn, Williams, Wilmer, Mr. Speaker.

Total 61

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Fitzpatrick, Greef, Hale, Hansen, Harris, Ingraham, Kary, Kennedy, Kerns, Knox, Loney, McGillvray, McNiven, Miller, More, O'Neil, Peterson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Yates.

Total 37

Excused: Sands, Swanson.

Total 2

Absent or not voting: None.

Total 0

HB 4 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Schmidt, Sesso, Small, F. Smith, Squires, Taylor, Warburton, Welborn, Williams, Wilmer, Mr. Speaker.

Total 61

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Loney, McGillvray, McNiven, Miller, More, O'Neil, Peterson, Randall, Read, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Washburn, Yates.

Total 37

Excused: Sands, Swanson.

Total 2

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

HB 5 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Schmidt, Sesso, Small, F. Smith, Squires, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 65

Nays: Arntzen, B. Beck, Blasdel, Blyton, Edmunds, Esp, Flynn, Hale, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Loney, McGillvray, McNiven, Miller, More, O'Neil, Randall, Regier, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn.

Total 33

Excused: Sands, Swanson.

Total 2

Absent or not voting: None.

Total 0

HB 6 passed as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Taylor, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: Arntzen, Edmunds, Hale, Hansen, Harris, Howard, Kerns, Knox, More, O'Neil, Randall, C. Smith, Vance, Wagner, Washburn.

Total 15

Excused: Sands, Swanson.

Total 2

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

HB 7 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Schmidt, Sesso, Skattum, Small, F. Smith, Squires, Stahl, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 66

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Howard, Kary, Kennedy, Kerns, Knox, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Rosendale, Salomon, Skees, C. Smith, Taylor, Vance, Wagner.

Total 32

Excused: Sands, Swanson.

Total 2

Absent or not voting: None.

Total 0

SB 176 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.

Total 32

Excused: Sands, Swanson.

Total 2

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

SB 294 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Osmundson, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Schmidt, Skees, Small, F. Smith, Squires, Stahl, Warburton, Welborn, Williams, Wilmer, Yates.

Total 68

Nays: G. Bennett, Blasdel, Blyton, Burnett, Cuffe, Esp, Flynn, Hansen, Kary, Kennedy, Kerns, Knox, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Pease-Lopez, Randall, Rosendale, Salomon, Sesso, Skattum, C. Smith, Taylor, Vance, Wagner, Washburn, Mr. Speaker.

Total 30

Excused: Sands, Swanson.

Total 2

Absent or not voting: None.

Total 0

HB 490 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.

Total 32

Excused: Sands, Swanson.

Total 2

Absent or not voting: McNutt.

Total 1

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

HB 574 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.

Total 31

Excused: Sands, Swanson.

Total 2

Absent or not voting: McNutt.

Total 1

MOTIONS

Representative C. Smith moved to change his vote on **HB 574** from Not Voting to Yes.
Representative Sesso objected. Representative Sesso withdrew his objection.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):

3/22/2011

HB 444, do pass. Report adopted.

HB 534, introduced bill, be amended as follows:

1. Page 1, line 14.

Strike: "SHALL"

Insert: "may"

2. Page 1, line 15.

Strike: "OR THE E-VERIFY PROGRAM, OR BOTH,"

3. Page 1, line 16.

Following: "successor"

Insert: "or any other lawful method of making the determination"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

4. Page 1, line 30.

Strike: "(ii)"

5. Page 2, line 1.

Strike: line 1 in its entirety

Renumber: subsequent subsections

6. Page 2, line 7.

Strike: subsection (vii) in its entirety

Renumber: subsequent subsections

7. Page 2, line 15.

Following: "21;"

Insert: "and"

8. Page 2, line 16 through line 17.

Strike: subsection (xvi) in its entirety

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 565, do pass. Report adopted.

HB 585, introduced bill, be amended as follows:

1. Page 3, line 5.

Strike: "\$500,000"

Insert: "\$250,000"

2. Page 3, line 26.

Strike: "\$500"

Insert: "\$400"

3. Page 3, line 27.

Strike: "\$500"

Insert: "\$400"

4. Page 3, line 28.

Strike: "\$500"

Insert: "\$400"

And, as amended, do pass. Report adopted.

HB 587, introduced bill, be amended as follows:

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

1. Page 4, line 4.

Strike: "\$100,000"

Insert: "\$22,000"

2. Page 4, line 6.

Strike: "the salary,"

Strike: ", and"

Insert: "of the"

Strike: "and staff requirements"

Following: "associate"

Insert: "and chief"

And, as amended, do pass. Report adopted.

HB 602, introduced bill, be amended as follows:

1. Page 1, line 17.

Strike: subsection (4) in its entirety

Renumber: subsequent subsections

2. Page 1, line 18 through line 19.

Strike: "for uses that" on line 18 through "amount of water" on line 19

3. Page 1, line 23.

Strike: "water laws of Montana do"

Insert: "Water Use Act does"

4. Page 1, line 24 through line 25.

Strike: "and the de minimis use of water"

5. Page 2, line 5.

Strike: "and necessary"

6. Page 2, line 6.

Strike: "and enforcement" through "wells"

7. Page 2, line 7.

Following: line 6

Insert: "(v) examining enforcement options for exempt wells to ensure that they do not exceed statutory limits or disrupt the priority system for water right administration governed by the Water Use Act and the Montana constitution;

(vi) examining applicable research and analysis conducted by the ground water investigation program at the Montana bureau of mines and geology provided for in 85-2-525;"

Renumber: subsequent subsections

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

8. Page 2, line 13.

Following: "the statutes"

Insert: ", rules, programs,"

9. Page 2, line 13 through line 14.

Strike: "or de minimis" on line 13 through "appropriations" on line 14

10. Page 2, line 15 through line 16.

Following: "the adequacy of"

Strike: "controlled" on line 15 through "permitting " on line 16

Insert: "existing programs and tools for managing and mitigating the development of wells that would otherwise be exempt from permitting, including but not limited to controlled ground water areas created pursuant to Title 85, chapter 2, part 5, water mitigation banks, community water system incentives, and in-lieu-of-fee programs"

11. Page 2, line 17.

Strike: "the role of local governments in"

Following: "decisions"

Insert: ", including the relationship between exempt wells and individual septic systems, the cost comparison of installing public water systems or extending existing water infrastructure, and the role of local governments in requiring alternatives to exempt wells"

12. Page 2, line 24.

Following: "authority."

Strike: "The"

Insert: "(1) Except as provided in subsection (2), the"

13. Page 2, line 25.

Strike: "commence rulemaking"

Insert: "adopt rules"

14. Page 2, line 27.

Following: line 26

Insert: "(2) The department may adopt rules to implement amendments to 85-2-306(3) that were passed and approved by the 62nd legislature for:

(a) appropriations by a local governmental fire agency organized under Title 7, chapter 33, provided that the appropriation is used only for emergency fire protection; or

(b) nonconsumptive appropriations for geothermal heating or cooling exchange applications."

15. Page 2, line 28.

Strike: "\$30,000"

Insert: "\$15,000"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

HB 611, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Following: "20-9-516"

Strike: ", "

Insert: "AND"

Following: "39-51-409,"

Strike: "AND 90-1-203,"

2. Page 2, line 19.

Strike: "apprenticeship and"

Strike: "development"

Following: "training"

Insert: "grants"

3. Page 2, line 20.

Strike: "90-1-203"

Insert: "39-11-202"

4. Page 2, line 29 through page 3, line 8.

Strike: section 3 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 613, introduced bill, be amended as follows:

1. Title, page 1, line 14.

Strike: ", 17-7-111,"

2. Page 4, line 11.

Strike: "5"

Insert: "4"

3. Page 7, line 3 through page 10, line 16.

Strike: section 2 in its entirety

Renumber: subsequent sections

4. Page 11, line 23.

Strike: "both" through "attorneys"

Insert: "all cases for which representation is paid for by the office of public defender"

5. Page 13, line 20.

Strike: "4"

Insert: "3"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

6. Page 13, line 21.

Strike: "4"

Insert: "3"

7. Page 13, line 22.

Strike: "5"

Insert: "4"

8. Page 13, line 23.

Strike: "5"

Insert: "4"

And, as amended, do pass. Report adopted.

HB 619, introduced bill, be amended as follows:

1. Title, line 5.

Following: "APPROPRIATIONS ACT"

Insert: "BY REQUIRING THE CALCULATION OF AN ANNUAL SUSTAINABLE YIELD"

Strike: "REQUIRING"

Insert: "ESTABLISHING"

2. Page 1, line 20.

Following: "department"

Insert: "to address fire mitigation, pine beetle infestation, and wildlife habitat enhancement"

And, as amended, do pass. Report adopted.

HB 622, do pass. Report adopted.

JUDICIARY (Peterson, Chairman):

3/22/2011

SB 15, be amended as follows:

1. Page 1, line 14.

Strike: "0.20"

Insert: "0.16"

2. Page 2, line 5.

Strike: "and"

3. Page 2.

Following: line 5

Insert: "(b) the person is subject to all conditions of the 24/7 sobriety program if available and if imposed by the court; and"

Renumber: subsequent subsection

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

4. Page 11.

Following: line 23

Insert: "NEW SECTION. Section 11. Coordination instruction. If House Bill No. 106 is not passed and approved, then [section 1(3)(b) of this act] is void."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

TAXATION (Blasdel, Chairman):

3/22/2011

HB 157, do pass. Report adopted.

SB 42, be amended as follows:

1. Page 3, line 11 through line 12.

Strike: "MAY OBTAIN"

Insert: "may apply for"

2. Page 3, line 12.

Following: "WARRANT"

Insert: "to be issued pursuant to 46-5-224"

And, as amended, be concurred in. Report adopted.

SB 172, be amended as follows:

1. Page 4, line 25 through line 26.

Strike: "MANUFACTURED" on line 25 through "STATES" on line 26

Insert: "that comply with federal standards on the manufacture and installation of the systems"

2. Page 7.

Following: line 9

Insert: "(iii) The term does not include property, including associated property and appurtenant land and improvements, that is used to hold water in ponds, reservoirs, or impoundments related to hydroelectric pumped storage as defined in subsection (4)(e)."

And, as amended, be concurred in. Report adopted.

SB 266, be concurred in. Report adopted.

MOTIONS

Representative Warburton moved to change his vote on **HB 490** from Not Voting to Yes.

Representative Sesso objected.

House Recessed.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 22, 2011

House Reconvened.

Representative Warburton moved to change his vote on **HB 490** from Not Voting to Yes.
Representative Sesso withdrew his previous objection.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Wednesday, March 23, 2011. Motion carried.

House adjourned at 2:38 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SIXTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
March 23, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Rosendale. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Kerns and Swanson, excused. Quorum present.

BILLS (O'Hara, Chairman): 3/23/2011

Correctly printed: **HB 186, HB 243, HB 377, HB 423, HB 567, HB 633, SB 5, SB 74, SB 91, SB 180, SB 183, SB 195, SB 236, SB 248, SB 275, SB 277, SJR 14.**

Correctly engrossed: **HB 502, HB 610, HB 612, HB 615, HB 621, HJR 2, SB 108, SB 173, SB 222.**

Correctly enrolled: **HB 80, HB 117, HB 229, HB 250, HB 298, HB 319, HB 324, HB 333, HB 337, HB 401, HB 422, HB 432, HB 449, HB 481, HB 517, HB 523, HB 531, HB 559, HB 568, HJR 17.**

Examined by the sponsor and found to be correct: **HB 80, HB 82, HB 117, HB 229, HB 250, HB 298, HB 319, HB 324, HB 333, HB 337, HB 401, HB 422, HB 432, HB 449, HB 481, HB 517, HB 523, HB 531, HB 559, HB 568, HJR 17.**

Signed by the Speaker at 10:13 a.m., March 23, 2011: **HB 141, HB 219, HB 259, HB 273, HB 484, HB 497, HB 536, HB 573, HJR 1.**

Signed by the Chief Clerk of the House at 9:15 a.m., March 23, 2011: **HB 141, HB 219, HB 259, HB 273, HB 484, HB 497, HB 536, HB 573, HJR 1.**

Representative Court rose on a point of personal privilege to announce that the Small Business Administration awarded the City of Billings the Small Business Community of the Year award; and the City of Absarokee received the Home-based Business of the Year award.

Representative Hands moved that the House Democrats caucus. Motion carried.
Representative McGillvray moved that the House Republicans caucus. Motion carried.

House Recessed.
House Reconvened.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman): 3/22/2011

SB 5, be concurred in. Report adopted.

SB 195, be concurred in. Report adopted.

SB 277, be concurred in. Report adopted.

SJR 14, be concurred in. Report adopted.

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

AGRICULTURE (Kerns, Chairman): 3/23/2011
SB 74, be concurred in. Report adopted.

APPROPRIATIONS (McNutt, Chairman): 3/22/2011
HB 502, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "AN APPROPRIATION"

Insert: "AUTHORIZATION"

2. Page 1, line 15.

Strike: "Appropriation--authorization"

Insert: "Authorization"

3. Page 1, line 15 through line 19.

Strike: "(1)" on line 15 through "(2)" on line 19

4. Page 1, line 19.

Following: "authorized to"

Insert: "expend up to 30% of the project cost, or \$105,000, from the internal service funds used to fund the maintenance of state buildings and to"

5. Page 1, line 21.

Following: "building."

Insert: "The department shall obtain donations equal to at least 70% of the project costs prior to starting the project, and donated funds must be used before the department expends internal service funds."

And, as amended, do pass. Report adopted.

HB 567, do pass. Report adopted.

HB 621, introduced bill, be amended as follows:

1. Page 2, line 5.

Strike: "nonnative,"

Strike: "invasive plant species"

Insert: "noxious weeds"

2. Page 3, line 12.

Following: "health."

Insert: "The term may include aquatic noxious weeds."

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

3. Page 4, line 20.

Strike: "nonnative,"

Strike: "invasive plant species"

Insert: "noxious weeds"

4. Page 5, line 12.

Strike: "nonnative,"

Strike: "invasive plant species"

Insert: "noxious weeds"

And, as amended, do pass. Report adopted.

APPROPRIATIONS (McNutt, Chairman):

3/23/2011

HB 186, do pass. Report adopted.

HB 243, do pass. Report adopted.

HB 377, do pass. Report adopted.

HB 423, do pass. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman):

3/22/2011

SB 91, be concurred in. Report adopted.

SB 108, be amended as follows:

1. Page 1, line 29.

Following: "TRIBAL GOVERNMENTS"

Strike: "IN A COUNTY" on line 29 through "COUNTY HAS" on line 30

Insert: "in areas that have"

And, as amended, be concurred in. Report adopted.

SB 173, be amended as follows:

1. Title, page 1, line 6.

Strike: "OR PRIVATE"

2. Page 1, line 25.

Strike: "OR PRIVATE"

And, as amended, be concurred in. Report adopted.

SB 180, be concurred in. Report adopted.

SB 183, be concurred in. Report adopted.

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

SB 222, be amended as follows:

1. Page 1, line 25.

Strike: "practicing"

Insert: "qualified"

Following: "physician,"

Insert: "physician assistant, or advanced practice registered nurse,"

2. Page 1, line 26.

Following: "physician,"

Insert: "physician assistant, or advanced practice registered nurse,"

3. Page 2, line 5.

Following: "writing and"

Insert: "a written determination of the examination must be"

Following: "The"

Insert: "determination of the"

And, as amended, be concurred in. Report adopted.

SB 236, be concurred in. Report adopted.

SB 248, be concurred in. Report adopted.

SB 275, be concurred in. Report adopted.

TAXATION (Blasdel, Chairman):

3/23/2011

HJR 2, introduced joint resolution, be amended as follows:

1. Title, page 1, line 8.

Strike: "A PRELIMINARY"

Insert: "THE"

Strike: "UNRESERVED"

Insert: "UNASSIGNED"

2. Page 2, line 15.

Strike: "\$1,672,133,000"

Insert: "\$1,691,626,000"

Strike: "\$1,753,767,000"

Insert: "\$1,771,606,000"

3. Page 2, line 16.

Strike: "\$1,825,963,000"

Insert: "\$1,852,134,000"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

4. Page 2, line 17.

Strike: "preliminary unreserved"

Insert: "unassigned"

5. Page 2, line 18.

Strike: "\$314,881,000"

Insert: "\$239,047,408"

6. Page 3, line 12.

Strike: "\$738.761"

Insert: "\$762.396"

Strike: "\$781.891"

Insert: "\$809.436"

Strike: "\$825.590"

Insert: "\$859.470"

7. Page 3, line 13.

Strike: "237.809"

Insert: "238.458"

Strike: "242.859"

Insert: "243.578"

8. Page 3, line 14.

Strike: "103.320"

Insert: "97.360"

Strike: "123.315"

Insert: "115.086"

Strike: "128.179"

Insert: "127.975"

9. Page 3, line 15.

Strike: "101.421"

Insert: "104.514"

Strike: "101.803"

Insert: "102.996"

Strike: "100.119"

Insert: "97.538"

10. Page 3, line 16.

Strike: "92.210"

Insert: "92.192"

Strike: "91.857"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Insert: "91.945"
Strike: "92.188"
Insert: "92.320"

11. Page 3, line 17.
Strike: "54.587"
Insert: "55.445"
Strike: "57.500"
Insert: "57.866"
Strike: "60.789"
Insert: "61.073"

12. Page 3, line 18.
Strike: "55.340"
Insert: "49.333"
Strike: "57.562"
Insert: "51.276"
Strike: "60.199"
Insert: "52.976"

13. Page 3, line 19.
Strike: "26.512"
Insert: "26.514"
Strike: "27.065"
Insert: "27.077"
Strike: "27.418"
Insert: "27.432"

14. Page 3, line 20.
Strike: "29.674"
Insert: "31.136"
Strike: "29.714"
Insert: "29.400"
Strike: "28.876"
Insert: "27.446"

15. Page 3, line 21.
Strike: "28.883"
Insert: "29.848"
Strike: "27.394"
Insert: "27.425"
Strike: "28.077"
Insert: "27.997"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

16. Page 4, line 1.

Strike: "31.029"

Insert: "31.554"

Strike: "30.883"

Insert: "31.585"

Strike: "29.913"

Insert: "30.416"

17. Page 4, line 3.

Strike: "1.666"

Insert: "2.215"

Strike: "6.173"

Insert: "6.717"

Strike: "17.398"

Insert: "17.716"

18. Page 4, line 5.

Strike: "14.815"

Insert: "14.812"

Strike: "14.758"

Insert: "14.773"

Strike: "14.811"

Insert: "14.832"

19. Page 4, line 7.

Strike: "12.852"

Insert: "13.209"

Strike: "13.515"

Insert: "13.952"

Strike: "14.014"

Insert: "14.544"

20. Page 4, line 8.

Strike: "14.848"

Insert: "12.494"

Strike: "13.300"

Insert: "12.257"

Strike: "13.552"

Insert: "12.465"

21. Page 4, line 9.

Strike: "16.104"

Insert: "16.151"

Strike: "16.778"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Insert: "16.872"
Strike: "17.487"
Insert: "17.578"

22. Page 4, line 10.
Strike: "6.008"
Insert: "6.375"
Strike: "6.496"
Insert: "6.838"
Strike: "6.740"
Insert: "7.097"

23. Page 4, line 11.
Strike: "12.327"
Insert: "11.036"
Strike: "11.916"
Insert: "10.938"
Strike: "12.640"
Insert: "11.778"

24. Page 4, line 12.
Strike: "9.511"
Insert: "9.499"
Strike: "9.727"
Insert: "9.702"
Strike: "10.008"
Insert: "9.982"

25. Page 4, line 13.
Strike: "5.039"
Insert: "4.984"
Strike: "4.929"
Insert: "4.876"
Strike: "4.820"
Insert: "4.768"

26. Page 4, line 15.
Strike: "6.481"
Insert: "8.931"
Strike: "7.437"
Insert: "10.037"
Strike: "7.753"
Insert: "10.373"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

27. Page 4, line 17.

Strike: "6.477"

Insert: "7.262"

28. Page 4, line 19.

Strike: "6.018"

Insert: "6.016"

Strike: "6.380"

Insert: "6.378"

29. Page 4, line 20.

Strike: "3.561"

Insert: "3.567"

Strike: "4.166"

Insert: "4.173"

Strike: "3.612"

Insert: "3.623"

30. Page 4, line 21.

Strike: "2.999"

Insert: "3.118"

Strike: "3.175"

Insert: "3.326"

Strike: "3.288"

Insert: "3.475"

31. Page 5, line 1.

Strike: "2.096"

Insert: "2.095"

Strike: "2.155"

Insert: "2.217"

32. Page 5, line 2.

Strike: "2.098"

Insert: "2.058"

Strike: "2.191"

Insert: "2.131"

Strike: "2.286"

Insert: "2.204"

33. Page 5, line 3.

Strike: "3.142"

Insert: "3.157"

Strike: "3.185"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Insert: "3.239"

Strike: "3.230"

Insert: "3.302"

34. Page 5, line 5.

Strike: "\$1,672.133"

Insert: "\$1,691.626"

Strike: "\$1,753.767"

Insert: "\$1,771.606"

Strike: "\$1,825.963"

Insert: "\$1,852.134"

35. Page 5, line 10.

Strike: "\$33.251"

Insert: "\$33.434"

Strike: "\$35.526"

Insert: "\$35.823"

36. Page 5, line 11.

Strike: "(0.58%)"

Insert: "(0.28%)"

Strike: "0.38%"

Insert: "0.54%"

Strike: "1.30%"

Insert: "1.23%"

Strike: "1.17%"

Insert: "1.35%"

37. Page 5, line 13.

Strike: "2.30%"

Insert: "2.24%"

Strike: "3.57%"

Insert: "3.92%"

Strike: "4.33%"

Insert: "4.93%"

Strike: "4.10%"

Insert: "4.60%"

38. Page 5, line 14.

Strike: "(10.02%)"

Insert: "(15.25%)"

Strike: "(4.50%)"

Insert: "(1.69%)"

Strike: "3.08%"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Insert: "4.24%"
Strike: "3.52%"
Insert: "5.52%"

39. Page 5, line 15.
Strike: "(17.33%)"
Insert: "(17.29%)"
Strike: "(3.52%)"
Insert: "(0.95%)"
Strike: "4.83%"
Insert: "5.91%"
Strike: "20.34%"
Insert: "20.51%"

40. Page 5, line 16.
Strike: "26.81%"
Insert: "28.26%"
Strike: "2.49%"
Insert: "(6.04%)"
Strike: "2.71%"
Insert: "0.20%"

41. Page 5, line 17.
Strike: "3.76%"
Insert: "2.22%"
Strike: "3.60%"
Insert: "3.79%"
Strike: "3.43%"
Insert: "3.47%"
Strike: "3.47%"
Insert: "4.00%"

42. Page 5, line 18.
Strike: "(2.67%)"
Insert: "(3.65%)"
Strike: "3.73%"
Insert: "5.49%"
Strike: "4.29%"
Insert: "4.11%"
Strike: "2.35%"
Insert: "2.46%"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

43. Page 5, line 19.

Strike: "17.77%"

Insert: "20.09%"

Strike: "33.47%"

Insert: "38.15%"

Strike: "35.25%"

Insert: "28.99%"

Strike: "11.42%"

Insert: "11.55%"

44. Page 5, line 20.

Strike: "(9.15%)"

Insert: "(11.56%)"

Strike: "(8.10%)"

Insert: "(12.56%)"

Strike: "(4.72%)"

Insert: "(10.41%)"

Strike: "(3.51%)"

Insert: "(5.59%)"

45. Page 5, line 21.

Strike: "10.10%"

Insert: "9.58%"

Strike: "4.73%"

Insert: "3.90%"

Strike: "2.23%"

Insert: "2.68%"

Strike: "3.34%"

Insert: "4.93%"

46. Page 6, line 1.

Strike: "8.47%"

Insert: "9.19%"

Strike: "5.83%"

Insert: "9.85%"

Strike: "7.48%"

Insert: "6.88%"

Strike: "6.81%"

Insert: "6.99%"

47. Page 6, line 2.

Strike: "4.72%"

Insert: "4.68%"

Strike: "5.63%"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Insert: "6.04%"
Strike: "6.29%"
Insert: "6.46%"
Strike: "6.29%"
Insert: "6.62%"

48. Page 6, line 3.
Strike: "150.60%"
Insert: "0.00%"
Strike: "42.53%"
Insert: "0.00%"
Strike: "(7.05%)"
Insert: "0.00%"
Strike: "(7.64%)"
Insert: "0.00%"

49. Page 6, line 4.
Strike: "8.57%"
Insert: "5.95%"
Strike: "6.02%"
Insert: "(14.67%)"
Strike: "(7.01%)"
Insert: "(2.64%)"
Strike: "(18.84%)"
Insert: "(5.63%)"

50. Page 6, line 5.
Strike: "(2.05%)"
Insert: "(2.04%)"
Strike: "(2.05%)"
Insert: "(2.04%)"
Strike: "(2.05%)"
Insert: "(2.04%)"
Strike: "(2.05%)"
Insert: "(2.04%)"

51. Page 6, line 8.
Strike: "13.96%"
Insert: "13.99%"
Strike: "17.33%"
Insert: "17.72%"
Strike: "6.51%"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Insert: "6.34%"
Strike: "7.01%"
Insert: "6.83%"

52. Page 6, line 14.

Strike: "2.60%"
Insert: "2.61%"
Strike: "2.61%"
Insert: "2.62%"
Strike: "2.62%"
Insert: "2.63%"

53. Page 6, line 16.

Strike: "7.85%"
Insert: "7.86%"
Strike: "8.07%"
Insert: "8.08%"
Strike: "8.27%"
Insert: "8.28%"
Strike: "8.45%"
Insert: "8.46%"

54. Page 6, line 18.

Strike: "(\$0.396)"
Insert: "(\$2.393)"
Strike: "\$0.942"
Insert: "(\$1.177)"
Strike: "\$0.639"
Insert: "\$0.660"

55. Page 6, line 20.

Strike: "3.73%"
Insert: "(5.37%)"
Strike: "6.92%"
Insert: "7.63%"
Strike: "7.72%"
Insert: "7.80%"
Strike: "5.25%"
Insert: "5.90%"

56. Page 7, line 1.

Strike: "\$702.704"
Insert: "\$704.328"
Strike: "\$737.642"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Insert: "\$743.907"
Strike: "\$786.729"
Insert: "\$793.236"
Strike: "\$825.349"
Insert: "\$837.377"

57. Page 7, line 4.
Strike: "\$672.043"
Insert: "\$693.689"

58. Page 7, line 8.
Strike: "\$3.232"
Insert: "\$3.233"
Strike: "\$3.283"
Insert: "\$3.313"

59. Page 7, line 9.
Strike: "\$17.312"
Insert: "\$24.142"
Strike: "\$20.694"
Insert: "\$28.234"

60. Page 7, line 19.
Strike: "\$2,365.815"
Insert: "\$2,372.646"
Strike: "\$2,457.944"
Insert: "\$2,465.514"

61. Page 8, line 11.
Strike: "3.05%"
Insert: "3.03%"
Strike: "(0.38%)"
Insert: "(0.27%)"
Strike: "0.36%"
Insert: "0.41%"

62. Page 8, line 12.
Strike: "3.05%"
Insert: "3.03%"
Strike: "(0.38%)"
Insert: "(0.27%)"
Strike: "0.36%"
Insert: "0.41%"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

63. Page 8, line 13.

Strike: "3.05%"

Insert: "3.03%"

Strike: "(0.38%)"

Insert: "(0.27%)"

Strike: "0.36%"

Insert: "0.41%"

64. Page 8, line 14.

Strike: "3.05%"

Insert: "3.03%"

Strike: "(0.38%)"

Insert: "(0.27%)"

Strike: "0.36%"

Insert: "0.41%"

65. Page 8, line 16.

Strike: "\$1,777.134"

Insert: "\$1,745.770"

Strike: "\$1,860.247"

Insert: "\$1,647.218"

Strike: "\$1,879.837"

Insert: "\$1,836.176"

66. Page 9, line 15.

Strike: "\$0.708"

Insert: "(\$7.279)"

Strike: "\$0.968"

Insert: "(\$7.509)"

Strike: "\$1.410"

Insert: "\$1.494"

67. Page 9, line 19.

Strike: "\$66.972"

Insert: "\$67.988"

Strike: "\$70.525"

Insert: "\$70.958"

Strike: "\$74.524"

Insert: "\$74.859"

68. Page 10, line 2.

Strike: "\$368.927"

Insert: "\$328.887"

Strike: "\$383.744"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Insert: "\$341.843"

Strike: "\$401.321"

Insert: "\$353.172"

69. Page 10, line 4.

Strike: "\$9.095"

Insert: "\$9.094"

Strike: "\$9.060"

Insert: "\$9.069"

Strike: "\$9.093"

Insert: "\$9.106"

70. Page 10, line 5.

Strike: the second "\$0.562"

Insert: "\$0.563"

71. Page 10, line 6.

Strike: "\$2.213"

Insert: "\$2.215"

Strike: "\$2.221"

Insert: "\$2.224"

72. Page 10, line 7.

Strike: "\$1.265"

Insert: "\$1.267"

Strike: "\$1.270"

Insert: "\$1.272"

73. Page 10, line 8.

Strike: the second "\$0.680"

Insert: "\$0.681"

74. Page 10, line 9.

Strike: "\$0.792"

Insert: "\$0.793"

Strike: the second "\$0.795"

Insert: "\$0.796"

75. Page 10, line 11.

Strike: "2.895"

Insert: "2.833"

Strike: "2.639"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Insert: "2.554"

Strike: "2.406"

Insert: "2.304"

76. Page 10, line 13.

Strike: "26.049"

Insert: "16.676"

Strike: "25.492"

Insert: "13.058"

Strike: "24.948"

Insert: "10.224"

77. Page 10, line 14.

Strike: "\$66.686"

Insert: "\$80.358"

Strike: "\$72.904"

Insert: "\$80.466"

Strike: "\$76.391"

Insert: "\$86.742"

78. Page 10, line 15.

Strike: "\$15.148"

Insert: "\$15.227"

Strike: "\$15.669"

Insert: "\$15.750"

Strike: "\$16.118"

Insert: "\$16.202"

79. Page 10, line 16.

Strike: "\$2.026"

Insert: "\$3.045"

Strike: "\$2.533"

Insert: "\$3.149"

Strike: "\$2.874"

Insert: "\$3.790"

80. Page 10, line 17.

Strike: the second "10.56%"

Insert: "10.81%"

Strike: the third "10.56%"

Insert: "10.81%"

Strike: the fourth "10.56%"

Insert: "10.81%"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

81. Page 10, line 18.

Strike: the second "12.00%"

Insert: "11.62%"

Strike: the third "12.00%"

Insert: "11.62%"

Strike: the fourth "12.00%"

Insert: "11.62%"

82. Page 10, line 19.

Strike: the second "11.02%"

Insert: "11.03%"

Strike: the third "11.02%"

Insert: "11.03%"

Strike: the fourth "11.02%"

Insert: "11.03%"

83. Page 10, line 20.

Strike: "\$2.482"

Insert: "\$1.712"

Strike: "\$3.405"

Insert: "\$1.594"

Strike: "\$4.242"

Insert: "\$1.560"

84. Page 10, line 21.

Strike: the second "\$8.036"

Insert: "\$8.015"

Strike: the third "\$8.036"

Insert: "\$8.015"

Strike: the fourth "\$8.036"

Insert: "\$8.015"

85. Page 11, line 20.

Strike: "23.596"

Insert: "23.598"

Strike: "20.964"

Insert: "20.966"

Strike: "18.332"

Insert: "18.334"

86. Page 11, line 21.

Strike: "\$72.738"

Insert: "\$81.975"

Strike: "\$78.534"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Insert: "\$83.819"

Strike: "\$81.927"

Insert: "\$87.212"

87. Page 12, line 1.

Strike: "10.10%"

Insert: "10.09%"

Strike: the second "10.09%"

Insert: "10.10%"

Strike: the third "10.09%"

Insert: "10.10%"

88. Page 12, line 3.

Strike: "109.683"

Insert: "106.743"

Strike: "106.862"

Insert: "103.997"

Strike: "104.041"

Insert: "101.252"

89. Page 12, line 4.

Strike: "\$3.432"

Insert: "\$3.105"

Strike: "\$4.421"

Insert: "\$3.386"

Strike: "\$4.725"

Insert: "\$3.837"

90. Page 12, line 5.

Strike: "9.85%"

Insert: "9.95%"

Strike: "9.86%"

Insert: "9.94%"

Strike: "9.84%"

Insert: "9.95%"

91. Page 12, line 7.

Strike: "\$666.585"

Insert: "\$732.458"

Strike: "\$674.810"

Insert: "\$656.948"

Strike: "\$684.333"

Insert: "\$666.614"

HOUSE JOURNAL
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92. Page 12, line 8.

Strike: "0.25%"

Insert: "0.30%"

Strike: "0.92%"

Insert: "1.02%"

Strike: "2.54%"

Insert: "2.66%"

93. Page 12, line 11.

Strike: "\$84.386"

Insert: "\$84.622"

Strike: "\$87.887"

Insert: "\$88.370"

Strike: "\$91.584"

Insert: "\$92.054"

94. Page 12, line 12.

Strike: "\$0.318"

Insert: "\$0.316"

Strike: "\$0.329"

Insert: "\$0.327"

95. Page 12, line 17.

Strike: "44.632"

Insert: "45.285"

Strike: "43.216"

Insert: "44.179"

Strike: "41.845"

Insert: "42.524"

96. Page 12, line 19.

Strike: "\$3.506"

Insert: "\$3.658"

Strike: "\$3.372"

Insert: "\$3.490"

97. Page 12, line 21.

Strike: "\$47.261"

Insert: "\$44.038"

Strike: "\$48.808"

Insert: "\$46.347"

Strike: "\$50.387"

Insert: "\$48.225"

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SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

98. Page 13, line 1.

Strike: "\$0.022"

Insert: "\$0.020"

Strike: "\$0.086"

Insert: "\$0.084"

Strike: "\$0.255"

Insert: "\$0.242"

99. Page 13, line 4.

Strike: "\$28.366"

Insert: "\$26.431"

Strike: "\$29.460"

Insert: "\$27.974"

Strike: "\$30.584"

Insert: "\$29.272"

100. Page 13, line 9.

Strike: "\$106.326"

Insert: "\$106.624"

Strike: "\$110.737"

Insert: "\$111.346"

Strike: "\$115.396"

Insert: "\$115.988"

101. Page 13, line 10.

Strike: "\$60.027"

Insert: "\$60.238"

Strike: "\$62.687"

Insert: "\$63.121"

Strike: "\$65.527"

Insert: "\$65.949"

102. Page 13, line 11.

Strike: "\$13.058"

Insert: "\$13.094"

Strike: "\$13.600"

Insert: "\$13.674"

Strike: "\$14.172"

Insert: "\$14.244"

103. Page 13, line 15.

Strike: "(3.47%)"

Insert: "(2.41%)"

HOUSE JOURNAL
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104. Page 13, line 16.

Strike: "(0.56%)"

Insert: "(1.39%)"

105. Page 13, line 17.

Strike: "10.56%"

Insert: "18.80%"

Strike: "4.65%"

Insert: "(2.61%)"

106. Page 15, line 7.

Strike: "\$8.255"

Insert: "\$9.255"

107. Page 15, line 8.

Strike: "\$1.778"

Insert: "\$1.993"

108. Page 15, line 13.

Strike: "0.997"

Insert: "1.002"

Strike: "1.011"

Insert: "1.028"

Strike: "1.025"

Insert: "1.048"

109. Page 15, line 14.

Strike: the second "\$0.062"

Insert: "\$0.063"

110. Page 15, line 17.

Strike: "\$2.826"

Insert: "\$2.831"

Strike: "\$3.370"

Insert: "\$3.375"

Strike: "\$2.872"

Insert: "\$2.881"

111. Page 15, line 18.

Strike: "\$0.237"

Insert: "\$0.238"

Strike: "\$0.241"

Insert: "\$0.242"

HOUSE JOURNAL
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112. Page 16, line 2.

Strike: "9.830"

Insert: "9.829"

Strike: "10.210"

Insert: "10.208"

Strike: "10.603"

Insert: "10.599"

113. Page 16, line 5.

Strike: "\$118.886"

Insert: "\$118.862"

Strike: "\$122.929"

Insert: "\$126.532"

114. Page 16, line 9.

Strike: "11.464"

Insert: "11.247"

Strike: "11.983"

Insert: "11.651"

Strike: "12.502"

Insert: "12.050"

115. Page 16, line 10.

Strike: "\$0.041"

Insert: "\$0.040"

Strike: "\$0.043"

Insert: "\$0.041"

116. Page 17, line 3.

Strike: "46.987"

Insert: "56.378"

Strike: "44.907"

Insert: "45.126"

Strike: "45.906"

Insert: "46.256"

117. Page 17, line 6.

Strike: "15.499"

Insert: "15.540"

Strike: "16.040"

Insert: "16.086"

118. Page 17, line 7.

Strike: "4.746"

HOUSE JOURNAL
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Insert: "4.747"

Strike: "4.755"

Insert: "4.756"

119. Page 17, line 8.

Strike: "8.926"

Insert: "8.956"

Strike: "9.484"

Insert: "9.605"

Strike: "10.198"

Insert: "10.407"

120. Page 17, line 12.

Strike: "0.948"

Insert: "0.950"

Strike: "0.978"

Insert: "0.985"

Strike: "1.014"

Insert: "1.026"

121. Page 17, line 14.

Strike: "5.853"

Insert: "5.863"

Strike: "6.430"

Insert: "6.522"

Strike: "7.028"

Insert: "7.235"

122. Page 17, line 15.

Strike: "2.791"

Insert: "2.809"

Strike: "3.089"

Insert: "3.154"

Strike: "3.496"

Insert: "3.605"

123. Page 17, line 16.

Strike: "2.341"

Insert: "2.356"

Strike: "2.620"

Insert: "2.681"

Strike: "2.977"

Insert: "3.082"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

124. Page 17, line 17.

Strike: "0.264"

Insert: "0.265"

Strike: "0.280"

Insert: "0.282"

125. Page 17, line 18.

Strike: "0.529"

Insert: "0.530"

Strike: "0.543"

Insert: "0.547"

Strike: "0.560"

Insert: "0.566"

126. Page 17, line 19.

Strike: "0.263"

Insert: "0.264"

Strike: "0.276"

Insert: "0.278"

127. Page 17, line 20.

Strike: "\$351.843"

Insert: "\$352.010"

Strike: "\$354.293"

Insert: "\$354.906"

Strike: "\$344.652"

Insert: "\$345.701"

128. Page 19, line 2.

Strike: "\$2,434.768"

Insert: "\$2,441.600"

Strike: "\$2,527.715"

Insert: "\$2,535.284"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/22/2011

HB 80, introduced by Arntzen

HB 319, introduced by McNutt

HB 333, introduced by Reichner

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/22/2011

HB 125, introduced by Klock
HB 178, introduced by Howard
HB 216, introduced by Miller
HB 258, introduced by Edmunds

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 637, introduced by Malek, Augare, McClafferty, Lavin, referred to Judiciary.
HB 638, introduced by Howard, referred to Judiciary.
HB 639, introduced by Stahl, referred to Appropriations.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 26, introduced by Wagner, referred to Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Osmundson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 317 - Representative Cook moved **HB 317** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan,

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl,
Swanson, Williams, Wilmer.
Total 32

Excused: None.
Total 0

Absent or not voting: Small.
Total 1

HB 8 - Representative Sesso moved **HB 8** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.
Total 90

Nays: Edmunds, Hale, Kerns, Knox, More, Peterson, Skattum, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: Small, Wilmer.
Total 2

HB 343 - Representative Cook moved **HB 343** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff,

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 33

Excused: None.
Total 0

Absent or not voting: Small.
Total 1

HB 444 - Representative Burnett moved **HB 444** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 69

Nays: Barrett, Belcourt, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 159 - Representative C. Smith moved **HB 159** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 73

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 163 - Representative Hollandsworth moved **HB 163** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

HB 188 - Representative Loney moved **HB 188** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 80

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Nays: Blyton, Burnett, Cuffe, Edmunds, Flynn, Hendrick, Ingraham, Kennedy, Kerns, Knox, Knudsen, McNiven, O'Neil, Randall, Skattum, Skees, C. Smith, Taylor, Vance, Wagner.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 196 - Representative Connell moved **HB 196** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.
Total 89

Nays: Barrett, B. Bennett, Boland, Hands, Hill, Malek, Pease-Lopez, Sands, Swanson, Wagner, Williams.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 351 - Representative Cook moved **HB 351** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.
Total 84

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Nays: Barrett, Court, Furey, Hill, Kennedy, Kerns, McClafferty, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Sesso, Wilmer.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 411 - Representative Wilmer moved **HB 411** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 70

Nays: B. Beck, Blasdel, Blyton, Clark, Edmunds, Esp, Flynn, Hale, Hansen, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McNiven, More, O'Neil, Peterson, Randall, Regier, Rosendale, Skattum, Skees, C. Smith, Vance, Wagner, Welborn.
Total 29

Excused: None.
Total 0

Absent or not voting: Harris.
Total 1

HB 475 - Representative Connell moved **HB 475** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates.
Total 73

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Nays: G. Bennett, Blyton, Brodehl, Burnett, Clark, Esp, Hale, Hendrick, Hoven, Howard, Kennedy, Kerns, Knox, Miller, O'Neil, Osmundson, Peterson, Randall, Reichner, Skattum, Small, C. Smith, Stahl, Wagner, Warburton, Mr. Speaker.

Total 26

Excused: None.

Total 0

Absent or not voting: Harris.

Total 1

HB 551 - Representative Flynn moved **HB 551** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Boland, Malek, Squires.

Total 3

Excused: None.

Total 0

Absent or not voting: Connell.

Total 1

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

Chairman Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor,

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 80

Nays: B. Bennett, Boland, Court, Furey, Hands, Hill, Malek, Pease-Lopez, Price, Reinhart,
Sands, Schmidt, F. Smith, Squires.
Total 14

Excused: Kerns, Swanson.
Total 2

Absent or not voting: Brodehl, Greef, Peterson, Sesso.
Total 4

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 9 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Taylor, Williams, Wilmer, Yates, Mr. Speaker.
Total 60

Nays: B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Howard, Kary, Kennedy, Knox, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Welborn.
Total 38

Excused: Kerns, Swanson.
Total 2

Absent or not voting: None.
Total 0

HB 10 passed as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter,

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Taylor, Williams, Wilmer, Yates, Mr. Speaker.

Total 71

Nays: Arntzen, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Esp, Flynn, Hale, Howard, Kary, Kennedy, Knox, More, O'Neil, Randall, Regier, Salomon, Skattum, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Welborn.

Total 26

Excused: Kerns, Swanson.

Total 2

Absent or not voting: Noonan.

Total 1

HB 15 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 72

Nays: G. Bennett, Blyton, Burnett, Cuffe, Edmunds, Esp, Flynn, Hale, Kary, Kennedy, Knox, Knudsen, Loney, McGillvray, McNiven, More, O'Neil, Peterson, Roberts, Rosendale, C. Smith, Stahl, Taylor, Vance, Wagner, Welborn.

Total 26

Excused: Kerns, Swanson.

Total 2

Absent or not voting: None.

Total 0

HB 51 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth,

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Reichner, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Taylor, Williams, Wilmer, Yates, Mr. Speaker.

Total 57

Nays: B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Esp, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Kary, Kennedy, Knox, McGillvray, McNally, Miller, More, O'Neil, Osmundson, Peterson, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Welborn.

Total 41

Excused: Kerns, Swanson.

Total 2

Absent or not voting: None.

Total 0

HB 171 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Kerns, Swanson.

Total 2

Absent or not voting: None.

Total 0

HB 375 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson,

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer, Yates.

Total 32

Excused: Kerns, Swanson.

Total 2

Absent or not voting: None.

Total 0

HB 533 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 76

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Williams, Wilmer.

Total 22

Excused: Kerns, Swanson.

Total 2

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

HB 238 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Stahl, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

Nays: Fitzpatrick, Gibson, Hale, Hansen, Miller, More, Osmundson, Rosendale, Skattum, Squires, Taylor, Vance, Warburton.

Total 13

Excused: Kerns, Swanson.

Total 2

Absent or not voting: None.

Total 0

HB 351 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: G. Bennett, Cuffe, Edmunds, Kennedy, Knox, Miller, More, O'Neil, Pease-Lopez, Wagner.

Total 10

Excused: Kerns, Swanson.

Total 2

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

MOTIONS

Representative Furey moved that **HB 623** be taken from Appropriations and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kennedy, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Warburton, Williams, Wilmer.
Total 39

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.
Total 59

Excused: Kerns, Swanson.
Total 2

Absent or not voting: None.
Total 0

Representative MacDonald moved that **HB 207** be taken from Appropriations and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Blyton, Boland, Clark, Court, Driscoll, Evans, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Warburton, Williams, Wilmer.
Total 40

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.
Total 58

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Excused: Kerns, Swanson.

Total 2

Absent or not voting: None.

Total 0

House Recessed.

House Reconvened.

Roll Call. All members present, except Representatives Evans, Furey, Kerns, Swanson, and Warburton, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):

3/23/2011

HB 610, introduced bill, be amended as follows:

1. Page 2, line 6.

Strike: "\$10"

Insert: "\$8"

2. Page 2, line 9.

Strike: "\$10"

Insert: "\$8"

3. Page 2, line 12.

Strike: "\$5"

Insert: "\$6"

4. Page 2, line 13.

Strike: "\$5"

Insert: "\$2"

5. Page 6, line 1.

Strike: "\$7"

Insert: "\$6"

6. Page 6, line 25.

Strike: "\$65"

Insert: "\$71"

7. Page 6, line 26.

Strike: "40"

Insert: "26"

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

8. Page 7, line 8.

Strike: "51%"

Insert: "55%"

9. Page 7, line 21.

Strike: "51%"

Insert: "55%"

10. Page 7, line 27.

Strike: "60%"

Insert: "66%"

11. Page 8, line 10.

Strike: "51%"

Insert: "55%"

And, as amended, do pass. Report adopted.

HB 612, introduced bill, be amended as follows:

1. Title, page 1, line 5, through page 1, line 6.

Strike: "REVISING" on page 1, line 5 through "PROCEEDS;" on page 1, line 6

2. Title, page 1, line 7, through page 1, line 8.

Strike: "REVISING" on page 1, line 7 through "PLAN;" on page 1, line 8

3. Title, page 1, line 11.

Strike: "17-6-606,"

Strike: "53-4-1105,"

4. Page 1, line 16 through page 3, line 19.

Strike: section 1 in its entirety

Renumber: subsequent sections

5. Page 7, line 5 through page 8, line 3.

Strike: section 4 in its entirety

Renumber: subsequent sections

6. Page 15, line 5 through page 17, line 14.

Strike: section 12 in its entirety

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

7. Page 17, line 18.

Strike: "[Sections 2 and 3]"

Insert: "[Sections 1 and 2]"

And, as amended, do pass. Report adopted.

HB 633, do pass. Report adopted.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Osmundson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 388 - Representative Cook moved **HB 388** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Esp, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: MacDonald, Read.

Total 2

HB 534 - Representative Howard moved **HB 534** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale,

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.
Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.
Total 35

Excused: None.
Total 0

Absent or not voting: Ankney, Mr. Speaker.
Total 2

HB 565 - Representative Noonan moved **HB 565** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 83

Nays: G. Bennett, Burnett, Cuffe, Esp, Evans, Flynn, Hale, Hendrick, Howard, Kennedy, Kerns, Knox, McGillvray, More, Skattum, Skees, Wagner.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 585 - Representative McGillvray moved consideration of **HB 585** be passed for the day. Motion carried.

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

HB 587 - Representative McNutt moved **HB 587** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Hale, Hendrick, Kerns, Knox, Miller, Skattum, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 611 - Representative Cook moved **HB 611** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 60

Nays: Barrett, Belcourt, B. Bennett, Boland, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Taylor, Wagner, Williams, Wilmer.

Total 39

Excused: None.

Total 0

Absent or not voting: Court.

Total 1

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

HB 602 - Representative McNutt moved **HB 602** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 90

Nays: G. Bennett, Kennedy, Kerns, Knox, Miller, O'Neil, Peterson, Skattum, Taylor, Wagner.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 613 - Representative Roberts moved **HB 613** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Lavin, MacLaren, McNiven, McNutt, More, O'Hara, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 53

Nays: Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Court, Driscoll, Edmunds, Furey, Greef, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 45

Excused: None.

Total 0

Absent or not voting: Loney, McGillvray.

Total 2

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

HB 619 - Representative Ankney moved **HB 619** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Kerns, Miller.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 90

Nays: B. Bennett.

Total 1

Excused: Evans, Kerns, Swanson, Warburton.

Total 4

Absent or not voting: Barrett, Furey, Loney, Noonan, Welborn.

Total 5

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman):

3/23/2011

HB 615, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "REVIEW AND" through "FACILITATE" on page 1, line 5

Insert: "STUDY"

2. Page 1, line 16.

Strike: "most"

Insert: "many"

3. Page 1, line 17.

Strike: "companies deny"

Insert: "plans exclude"

4. Page 1, line 18.

Following: "companies"

Insert: "and self-funded plan administrators"

Strike: "deny coverage because of"

Insert: "have"

5. Page 1, line 25.

Strike: "trails"

Insert: "trials"

6. Page 1, line 26.

Strike: "review and facilitate"

Insert: "study the"

7. Page 2, line 29.

Following: "\$14,000"

Insert: "for the biennium beginning July 1, 2011,"

And, as amended, do pass. Report adopted.

House Recessed.

House Reconvened.

MOTIONS

Representative McGillvray moved **HB 603** be moved from the Education committee to the Appropriations committee.

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

Representative McGillvray moved **HB 634** be moved from the Judiciary committee to the Business and Labor committee.

Representative McGillvray moved **HB 639** be moved from the Appropriations committee to the Education committee.

Representative McGillvray moved **SB 317** be moved from the Natural Resources committee to the Federal Relations, Energy, and Telecommunications committee.

Representative Wilmer asked several questions of Majority Leader McGillvray in regard to bills being re-referred and the reason for the re-referral.

Representative Hiner moved that **HB 13** be taken from Appropriations and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Lavin, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Williams, Wilmer, Yates.

Total 39

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Mr. Speaker.

Total 54

Excused: Evans, Kerns, Swanson, Warburton.

Total 4

Absent or not voting: Clark, Hansen, MacDonald.

Total 3

Representative Di. Barrett moved that **HB 221** be taken from Appropriations and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Barrett, B. Beck, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skees, Small,

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 23, 2011

F. Smith, Squires, Williams, Wilmer.

Total 35

Nays: Ankney, Arntzen, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.

Total 58

Excused: Evans, Kerns, Swanson, Warburton.

Total 4

Absent or not voting: Clark, Hansen, MacDonald.

Total 3

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 11:00 a.m., Thursday, March 24, 2011. Motion carried.

House adjourned at 6:11 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SIXTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
March 24, 2011

House Chambers
State Capitol

House convened at 11:00 a.m. Representative Taylor, Speaker Pro Tem, in the Chair. Invocation by Representative Regier. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Evans, Hansen, Kerns, Swanson, and Yates, excused. Quorum present.

BILLS (O'Hara, Chairman): 3/24/2011

Correctly printed: **HB 609, HB 631, HJR 25, SB 109, SB 206, SB 208, SB 210, SB 224, SB 246, SB 254, SB 267, SB 280, SB 287, SB 297, SB 305, SB 320, SB 355, SB 356, SB 366, SB 367, SB 370, SJR 4, SJR 6, SJR 12.**

Correctly engrossed: **HB 175, HB 604, HB 632, SB 241.**

Correctly enrolled: **HB 171.**

Delivered to the Secretary of State at 10:19 a.m., March 24, 2011: **HJR 1.**

Delivered to the Governor for approval at 8:45 a.m., March 24, 2011: **HB 141, HB 219, HB 259, HB 273, HB 484, HB 497, HB 536, HB 573.**

Delivered to the Governor for approval at 8:45 a.m., March 24, 2011: **HB 52, HB 64, HB 94, HB 99, HB 181, HB 254, HB 270, HB 293, HB 348, HB 374.**

Examined by the sponsor and found to be correct: **HB 171.**

REPORTS OF STANDING COMMITTEES

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 3/23/2011

SB 109, be concurred in. Report adopted.

SB 206, be concurred in. Report adopted.

SB 246, be concurred in. Report adopted.

SB 254, be concurred in. Report adopted.

SB 305, be concurred in. Report adopted.

SJR 4, be concurred in. Report adopted.

HUMAN SERVICES (Howard, Chairman): 3/23/2011

HB 175, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "45-10-107, MCA;"

Strike: "AND"

2. Title, page 1, line 8.

Following: "50-46-210, MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

3. Page 7, line 8.

Insert: "COORDINATION SECTION. Section 10. Coordination instruction. If House Bill No. 161 and [this act] are both passed and approved, then [this act] is void."

Insert: "NEW SECTION. Section 11. Effective date. If approved by the electorate, [this act] is effective January 1, 2013."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 210, be concurred in. Report adopted.

SB 224, be concurred in. Report adopted.

SB 241, be amended as follows:

1. Page 2, line 17.

Strike: "and must be" on line 17 through "services" on line 19.

And, as amended, be concurred in. Report adopted.

SB 366, be concurred in. Report adopted.

SB 370, be concurred in. Report adopted.

NATURAL RESOURCES (Hendrick, Chairman):

3/23/2011

SB 267, be concurred in. Report adopted.

SB 297, be concurred in. Report adopted.

SB 356, be concurred in. Report adopted.

SB 367, be concurred in. Report adopted.

SJR 6, be concurred in. Report adopted.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Phillips in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 42 - Representative McGillvray moved consideration of **HB 42** be placed at the bottom of the second reading board. Motion carried.

HB 49 - Senate Amendments - Representative Hands moved Senate amendments to **HB 49** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel,

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: G. Bennett, Blyton, Brodehl, Burnett, Greef, Hansen, Kary, Kennedy, Kerns, Knox, Skattum, Skees, C. Smith.

Total 13

Excused: None.

Total 0

Absent or not voting: Hale, Lavin, Stahl, Wagner.

Total 4

HB 110 - Senate Amendments - Representative Welborn moved Senate amendments to **HB 110** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Burnett, Edmunds, Hansen, Kennedy, Kerns, Knox, O'Neil, Skattum, Skees, C. Smith.

Total 10

Excused: None.

Total 0

Absent or not voting: Wagner.

Total 1

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

HB 439 - Representative Hollenbaugh moved **HB 439** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 77

Nays: G. Bennett, Blyton, Brodehl, Burnett, Edmunds, Esp, Flynn, Greef, Howard, Kennedy, Kerns, Knox, Knudsen, O'Neil, Osmundson, Randall, Rosendale, Skattum, Skees, C. Smith, Vance, Wagner, Washburn.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 296 - Representative Sesso moved **HB 296** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kennedy, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.
Total 58

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Esp, Evans, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kerns, Knox, Knudsen, McGillvray, McNiven, More, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.
Total 42

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

HB 140 - Representative Hiner moved **HB 140** do pass. Motion **failed** as follows:

Yeas: Burnett, Connell, Edmunds, Ehli, Esp, Hollandsworth, Hoven, Lavin, Loney, MacLaren, McNutt, Miller, O'Hara, O'Neil, Phillips, Roberts, Salomon, Yates.

Total 18

Nays: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Cook, Court, Cuffe, Driscoll, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, More, Noonan, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 81

Excused: None.

Total 0

Absent or not voting: Arntzen.

Total 1

HB 209 - Representative Washburn moved **HB 209** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 73

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hunter, MacDonald, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 26

Excused: None.

Total 0

Absent or not voting: Malek.

Total 1

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

HB 274 - Representative Howard moved **HB 274** do pass. Motion **failed** as follows:

Yeas: Ankney, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Knox, Lavin, Loney, MacLaren, McGillvray, Mehlhoff, Miller, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Roberts, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 50

Nays: Arntzen, Barrett, Belcourt, B. Bennett, Boland, Brodehl, Connell, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kerns, Klock, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Menahan, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 283 - Representative Bangerter moved **HB 283** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

HB 502 - Representative Hunter moved **HB 502** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Greef, Hale, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kennedy, Klock, Knox, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 70

Nays: Arntzen, B. Beck, Blasdel, Burnett, Edmunds, Esp, Flynn, Gibson, Hansen, Harris, Hendrick, Ingraham, Kary, Kerns, Knudsen, Lavin, McNiven, More, O'Hara, O'Neil,

Osmundson, Randall, Regier, Roberts, Rosendale, Skattum, Skees, C. Smith, Wagner, Welborn.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Mr. Speaker.
Total 88

Nays: Boland, Fitzpatrick, MacDonald, McNiven, Pease-Lopez, Sands, Wilmer.
Total 7

Excused: Evans, Hansen, Kerns, Swanson, Yates.
Total 5

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Absent or not voting: None.

Total 0

House Recessed.

House Reconvened.

Speaker Milburn assumed the Chair.

Roll Call. All members present, except Representatives Hansen, Kerns, Swanson, and Yates, excused. Quorum present.

Representative Greef introduced Colonel Raynor Roberts from Florence, Montana.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):

3/23/2011

HB 604, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "AUTHORIZING"

Insert: "A"

2. Title, page 1, line 5.

Strike: "TRANSFERS"

Insert: "TRANSFER"

3. Title, page 1, line 6.

Following: "EQUIPMENT ACCOUNT"

Strike: ", "

Insert: "TO THE GENERAL FUND; AUTHORIZING FUND TRANSFERS FROM"

4. Page 1, line 17 and line 18.

Strike: "guarantee" on line 17 through "20-9-622" on line 18

Insert: "general fund"

5. Page 1, line 22.

Strike: "\$8"

Insert: "\$4.4"

6. Page 6, line 17 through line 18.

Strike: "of" on line 17 through the first "amount" on line 18

7. Page 6, line 18.

Strike: "and " through "[section 1(4)]"

Following: "."

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Insert: "For the purpose of this section, the fund transfer in [section 1(4)] may not be decreased below \$0."

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Arntzen, Chairman): 3/23/2011
HB 609, do pass. Report adopted.
HJR 25, do pass. Report adopted.
SB 287, be concurred in. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 3/23/2011
SB 320, be concurred in. Report adopted.
SJR 12, be concurred in. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman): 3/24/2011
HB 632, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

March 23, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 17** sponsored by Representative Hollandsworth, **House Bill 24** sponsored by Representative McChesney, **House Bill 65** sponsored by Representative Menahan, **House Bill 96** sponsored by Representative Menahan, **House Bill 114** sponsored by Representative O'Hara, **House Bill 156** sponsored by Representative F. Smith et al., **House Bill 210** sponsored by Representative McChesney, **House Bill 263** sponsored by Representative Vance, and **House Bill 359** sponsored by Representative Vance et al., on March 23, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

March 24, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, MT 59620

Dear Speaker Milburn:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 307, "AN ACT PROHIBITING STATE BUILDING CODES FROM REQUIRING MANDATORY INSTALLATION OF FIRE SPRINKLER SYSTEMS IN CERTAIN RESIDENTIAL BUILDINGS; AMENDING SECTION 50-60-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

House Bill 307 prohibits the Department of Labor and Industry, state building codes, from adopting a requirement that sprinklers be installed in certain residential buildings. Requiring sprinkler systems in large, new, rural residential subdivisions has been a controversial issue in recent years. However, new residential housing projects that have limited water supply and/or

are remotely located and dependent on volunteer fire departments present serious public safety concerns.

The bill with my amendments still prohibits state building codes from adopting a state wide requirement on fire sprinklers. However, my amendments to House Bill 307 permit our state building codes to adopt a rule that would allow local jurisdictions to adopt and enforce building standards to decide how and when additional requirements for fire suppression should be required in new construction. I believe it is important to provide flexibility to local jurisdictions. Local public meetings where citizens, professional firefighters, builders and local officials debate and hopefully come to consensus on the standards will produce better results.

I respectfully request that the legislature agree to these proposed amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

c Legislative Services Division

Amendments to House Bill No. 307
Reference Copy

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Requested by the Governor

For the House Committee of the Whole

Prepared by Susan Byorth Fox
April 21, 2011 (4:07pm)

1. Title, line 6.

Following: line 5

Insert: "PERMITTING THE DEPARTMENT OF LABOR AND INDUSTRY TO ADOPT RULES THAT ALLOW LOCAL JURISDICTIONS TO ADOPT AND ENFORCE CERTAIN BUILDING STANDARDS FOR FIRE SPRINKLER SYSTEMS;"

2. Page 1, line 24.

Following: "(5)"

Insert: "(a)"

3. Page 1, line 27.

Following: line 26

Insert: "(b) The department may adopt rules that permit a local code enforcement program certified by the department to adopt and enforce building standards for installation of a fire sprinkler system in a single-family dwelling or a residential building that contains no more than two dwelling units or for installation of other less costly, alternative methods of fire suppression in new construction."

- END -

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 640, introduced by Hendrick, referred to Taxation.

HB 641, introduced by Hands, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 27, introduced by B. Bennett, referred to Business and Labor.

Representative McGillvray moved that the House Republicans caucus. Motion carried.

Representative Hands moved that the House Democrats caucus. Motion carried.

House Recessed.

House Reconvened.

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

MOTIONS

Representative McGillvray moved to reconsider action taken on **HB 140**.

Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 85

Nays: Ankney, Belcourt, Hale, Kennedy, Klock, Knox, McChesney, Randall, Skattum, Stahl, Wagner.

Total 11

Excused: Hansen, Kerns, Swanson, Yates.

Total 4

Absent or not voting: None.

Total 0

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 632**
Motion carried.

HB 632 (Taylor, Chief Sponsor)

Representative Hendrick, Ingraham, Kary, Kennedy, Knox, Milburn, Regier, Skees, Stahl.

REPORTS OF STANDING COMMITTEES

EDUCATION (Reichner, Chairman):

3/23/2011

SB 208, be concurred in. Report adopted.

SB 280, be concurred in. Report adopted.

SB 355, be concurred in. Report adopted.

JUDICIARY (Peterson, Chairman):

3/24/2011

HB 631, do pass. Report adopted.

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Phillips in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 567 - Representative Reichner moved **HB 567** do pass.

HB 567 - Representative Schmidt moved **HB 567**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

Following: "CYCLE;"

Insert: "PROVIDING FOR PARTIAL DISCLOSURE OF CERTAIN REAL ESTATE SALES
SUBJECT TO THE REALTY TRANSFER CERTIFICATE;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "15-7-102"

Strike: ","

Insert: "AND 15-7-308,"

2. Page 3, line 25.

Insert: "**Section 2.** Section 15-7-308, MCA, is amended to read:

"15-7-308. Disclosure of information restricted -- exceptions. (1) Except as provided in subsection (2), the certificate required by this part and the information contained in the certificate is not a public record and must be held confidential by the county clerk and recorder and the department. This is because the legislature finds that the demands of individual privacy outweigh the merits of public disclosure. The confidentiality provisions do not apply to compilations from the certificates or to summaries, analyses, and evaluations based upon the compilations.

(2) The confidentiality provisions of this section do not apply to:

(a) the information contained in the water right ownership update form or any other form prepared and filed with the department of natural resources and conservation pursuant to 85-2-424 for purposes of maintaining a system of centralized water right records as mandated by Article IX, section 3(4), of the Montana constitution. A person may access water right transfer information through the department of natural resources and conservation pursuant to the department's implementation of the requirements of 85-2-112(3).

(b) the property address, the legal property description, and the actual sales price listed on the realty transfer certificate for class four residential and commercial property as described in 15-6-134(1)(e) through (1)(g)."

Renumber: subsequent sections

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Amendment **not** adopted as follows:

Yeas: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 30

Nays: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 67

Excused: Hansen, Kerns, Yates.

Total 3

Absent or not voting: None.

Total 0

HB 567 - Representative Reichner moved **HB 567** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Pease-Lopez.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

SPECIAL ORDERS OF THE DAY

***A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA***

Honoring Sotara Barnaby

March 24, 2011

Commending Sotara Barnaby, a ten-year old Native American girl from Pablo, who is being treated at Shodair Children's Hospital, and whose optimism and determination helps her triumph over a rare genetic condition, allowing her to live a fruitful life with family and community.

WHEREAS, Children's Miracle Network Hospitals, the international alliance of premier children's hospitals in the U.S. and Canada, spotlights the heroic battles of children like Sotara with illnesses of all kinds; and

WHEREAS, Sotara Barnaby will represent Montana in the Children's Miracle Network Hospitals program honoring remarkable children who have met the challenges of severe medical conditions: Champions Across America; and

WHEREAS, Sotara has been selected for her courage, tenacity, and perseverance as the sole representative of children's genetic health needs, and an ambassador for the 17 million children treated each year at Children's Miracle Network affiliated children's hospitals.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE STATE OF MONTANA, that we congratulate Sotara Barnaby for her positive

attitude in the face of a significant medical condition, and convey to her their sincere best wishes for safe travel and memorable experiences during her year as Montana's Champion.

HB 621 - Representative Ankney moved **HB 621** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Burnett, Connell, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kennedy, Klock, Knox, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Washburn, Welborn, Williams, Wilmer.

Total 63

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Nays: Arntzen, B. Beck, Blasdel, Blyton, Brodehl, Clark, Cook, Edmunds, Evans, Flynn, Hale, Harris, Hendrick, Howard, Ingraham, Kary, Kerns, Knudsen, Lavin, More, O'Neil, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Yates, Mr. Speaker.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 243 - Representative Kary moved **HB 243** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: Belcourt, B. Bennett, Flynn, Hale, Hill, Kennedy, Kerns, McClafferty, Miller, O'Neil, Pease-Lopez, Rosendale, Sands, Vance, Wagner, Warburton.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 377 - Representative Warburton moved **HB 377** do pass.

HB 377 - Representative Hiner moved **HB 377**, second reading copy, be amended as follows:

1. Page 3, line 23.

Strike: "and"

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

2. Page 3, line 24.

Following: "proficiency"

Insert: "; and (7) has completed 12 hours of annual continuing education in pharmacology and medication administration"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.

Total 84

Nays: Bangerter, Burnett, Edmunds, Fitzpatrick, Kary, Knox, Knudsen, Lavin, O'Neil, Randall, Stahl, Wagner, Welborn.

Total 13

Excused: Hansen, Kerns, Yates.

Total 3

Absent or not voting: None.

Total 0

HB 377 - Representative Warburton moved **HB 377**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Boland, McClafferty, Mehlhoff, Noonan, Reinhart, Sesso, Squires.

Total 7

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 423 - Representative Belcourt moved **HB 423** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Clark, Connell, Cook, Cuffe, Driscoll, Ehli, Evans, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kary, Klock, Knudsen, Lavin, MacLaren, McChesney, McClafferty, McNally, McNutt, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Randall, Reinhart, Rosendale, Salomon, Sands, Sesso, Small, F. Smith, Squires, Swanson, Vance, Warburton, Washburn, Welborn, Wilmer, Yates.

Total 53

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Blyton, Boland, Brodehl, Burnett, Court, Edmunds, Esp, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Ingraham, Kennedy, Kerns, Knox, Loney, MacDonald, Malek, McGillvray, McNiven, Mehlhoff, More, O'Hara, Osmundson, Peterson, Price, Read, Regier, Reichner, Roberts, Schmidt, Skattum, Skees, C. Smith, Stahl, Taylor, Wagner, Williams, Mr. Speaker.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 585 - Representative G. Bennett moved **HB 585** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 87

Nays: Boland, Hollenbaugh, MacDonald, Malek, McClafferty, Noonan, Pease-Lopez, Phillips, Sands, Schmidt, Sesso, Squires, Williams.

Total 13

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 615 - Representative K. Williams moved **HB 615** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 69

Nays: B. Beck, G. Bennett, Burnett, Clark, Cuffe, Edmunds, Fitzpatrick, Flynn, Hale, Harris, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, Miller, Osmundson, Peterson, Randall, Rosendale, Skattum, C. Smith, Stahl, Vance, Wagner, Warburton.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 42 - Senate Amendments - Representative Hollenbaugh moved Senate amendments to **HB 42** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 97

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Nays: Kerns, Warburton, Yates.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 140 - Representative Hiner moved **HB 140** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, C. Smith, Squires, Swanson, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 70

Nays: Ankney, Belcourt, Boland, Driscoll, Hale, Hollenbaugh, Hunter, Ingraham, Kennedy, Kerns, Knox, McChesney, McClafferty, Menahan, Noonan, O'Neil, Price, Randall, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Taylor, Wagner, Welborn.

Total 28

Excused: None.

Total 0

Absent or not voting: Hill, Stahl.

Total 2

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 88

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Nays: B. Bennett, Fitzpatrick, Hands, Hill, Price, Squires.

Total 6

Excused: Hansen, Kerns, Swanson, Yates.

Total 4

Absent or not voting: Loney, Phillips.

Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 201 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Court, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Mr. Speaker.

Total 84

Nays: Barrett, Belcourt, Boland, Cuffe, Driscoll, Hollenbaugh, Malek, Menahan, Williams.

Total 9

Excused: Hansen, Kerns, Swanson, Yates.

Total 4

Absent or not voting: Connell, Evans, More.

Total 3

HB 8 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Skees, Small, F. Smith, Squires, Stahl, Taylor, Vance, Washburn, Welborn, Williams, Wilmer,
Mr. Speaker.
Total 84

Nays: Brodehl, Edmunds, Hale, Kennedy, Knox, More, O'Neil, Peterson, Skattum, C. Smith,
Wagner, Warburton.
Total 12

Excused: Hansen, Kerns, Swanson, Yates.
Total 4

Absent or not voting: None.
Total 0

HB 159 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton,
Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn,
Furey, Gibson, Greef, Hale, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham,
Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray,
McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read,
Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith,
Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 71

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Hands, Hill, Hollenbaugh, Hunter,
MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price,
Reinhart, Sands, Schmidt, Sesso, Squires, Williams, Wilmer.
Total 25

Excused: Hansen, Kerns, Swanson, Yates.
Total 4

Absent or not voting: None.
Total 0

HB 163 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl,
Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson,
Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock,
Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara,
Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon,

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Mr. Speaker.

Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Wilmer.

Total 33

Excused: Hansen, Kerns, Swanson, Yates.

Total 4

Absent or not voting: None.

Total 0

HB 188 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Small, F. Smith, Squires, Stahl, Taylor, Warburton, Welborn, Williams, Wilmer, Mr. Speaker.

Total 73

Nays: G. Bennett, Blyton, Burnett, Cuffe, Edmunds, Flynn, Hale, Hendrick, Ingraham, Kennedy, Knox, Knudsen, McChesney, McNiven, O'Neil, Randall, Sesso, Skattum, Skees, C. Smith, Vance, Wagner, Washburn.

Total 23

Excused: Hansen, Kerns, Swanson, Yates.

Total 4

Absent or not voting: None.

Total 0

HB 196 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox,

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Wilmer, Mr. Speaker.

Total 85

Nays: Barrett, B. Bennett, Hands, Malek, Noonan, Pease-Lopez, Reinhart, Sands, Squires, Wagner, Williams.

Total 11

Excused: Hansen, Kerns, Swanson, Yates.

Total 4

Absent or not voting: None.

Total 0

HB 317 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Williams, Wilmer.

Total 32

Excused: Hansen, Kerns, Swanson, Yates.

Total 4

Absent or not voting: None.

Total 0

HB 343 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock,

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.

Total 31

Excused: Hansen, Kerns, Swanson, Yates.

Total 4

Absent or not voting: None.

Total 0

HB 351 passed as follows:

Yeas: Arntzen, Bangerter, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Williams, Mr. Speaker.

Total 77

Nays: Ankney, Barrett, Belcourt, Hunter, Kennedy, Malek, McClafferty, Noonan, Pease-Lopez, Phillips, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Wagner, Welborn, Wilmer.

Total 19

Excused: Hansen, Kerns, Swanson, Yates.

Total 4

Absent or not voting: None.

Total 0

HB 411 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Loney,

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 65

Nays: B. Beck, Blasdel, Blyton, Burnett, Clark, Cuffe, Edmunds, Esp, Flynn, Hale, Hendrick, Howard, Kary, Kennedy, Knox, Knudsen, Lavin, McGillvray, McNiven, More, O'Neil, Osmundson, Peterson, Randall, Regier, Rosendale, Skattum, Skees, C. Smith, Vance, Wagner.

Total 31

Excused: Hansen, Kerns, Swanson, Yates.

Total 4

Absent or not voting: None.

Total 0

HB 444 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 75

Nays: Belcourt, Boland, Driscoll, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Williams, Wilmer.

Total 21

Excused: Hansen, Kerns, Swanson, Yates.

Total 4

Absent or not voting: None.

Total 0

HB 475 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Furey, Gibson, Greef,

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Taylor, Wagner, Washburn, Williams, Wilmer, Mr. Speaker.
Total 68

Nays: G. Bennett, Blasdel, Blyton, Burnett, Clark, Esp, Fitzpatrick, Flynn, Hale, Harris, Hendrick, Hoven, Kennedy, Knox, Miller, More, O'Neil, Osmundson, Randall, Reichner, Skattum, Skees, Small, C. Smith, Stahl, Vance, Warburton, Welborn.
Total 28

Excused: Hansen, Kerns, Swanson, Yates.
Total 4

Absent or not voting: None.
Total 0

HB 388 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Esp, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Williams, Wilmer.
Total 30

Excused: Hansen, Kerns, Swanson, Yates.
Total 4

Absent or not voting: None.
Total 0

HB 534 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef,

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Hale, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 60

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Williams, Wilmer.
Total 35

Excused: Hansen, Kerns, Swanson, Yates.
Total 4

Absent or not voting: Stahl.
Total 1

HB 565 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.
Total 77

Nays: G. Bennett, Burnett, Cuffe, Esp, Flynn, Hale, Howard, Kary, Kennedy, Knox, Loney, McGillvray, More, Osmundson, Skattum, Skees, C. Smith, Wagner, Warburton.
Total 19

Excused: Hansen, Kerns, Swanson, Yates.
Total 4

Absent or not voting: None.
Total 0

HB 587 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick,

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.
Total 91

Nays: Hale, Knox, Skattum, C. Smith, Wagner.
Total 5

Excused: Hansen, Kerns, Swanson, Yates.
Total 4

Absent or not voting: None.
Total 0

HB 602 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, C. Smith, F. Smith, Squires, Stahl, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.
Total 89

Nays: Kennedy, Knox, Peterson, Skattum, Taylor, Wagner.
Total 6

Excused: Hansen, Kerns, Swanson, Yates.
Total 4

Absent or not voting: Small.
Total 1

HB 611 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, Osmundson,

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 60

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Williams, Wilmer.
Total 36

Excused: Hansen, Kerns, Swanson, Yates.
Total 4

Absent or not voting: None.
Total 0

HB 613 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, O'Hara, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.
Total 50

Nays: Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Court, Driscoll, Edmunds, Furey, Greef, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Wagner, Williams, Wilmer.
Total 45

Excused: Hansen, Kerns, Swanson, Yates.
Total 4

Absent or not voting: Harris.
Total 1

HB 619 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally,

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 88

Nays: Belcourt, Boland, Hands, McClafferty, Noonan, Phillips, Reinhart, Sesso.

Total 8

Excused: Hansen, Kerns, Swanson, Yates.

Total 4

Absent or not voting: None.

Total 0

HB 551 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 94

Nays: F. Smith, Squires.

Total 2

Excused: Hansen, Kerns, Swanson, Yates.

Total 4

Absent or not voting: None.

Total 0

MOTIONS

Representative Mehlhoff moved to change his vote on **HB 351** from No to Yes. Without objection, so ordered.

Representative Howard moved to reconsider action taken on **HB 274** and place on second reading. Representative Sesso objected.

HOUSE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 2011

Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Esp, Fitzpatrick, Greef, Hale, Harris, Hendrick, Hollandsworth, Howard, Kennedy, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 50

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Cuffe, Driscoll, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Welborn, Williams, Wilmer.

Total 45

Excused: Hansen, Kerns, Swanson, Yates.

Total 4

Absent or not voting: Flynn.

Total 1

Representative McGillvray moved to appoint a Conference Committee on **HB 42** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

3/24/2011

Representative Hollenbaugh

Representative Ehli

Representative Esp

Representative Kennedy rose on a point of personal privilege to state that the previous dayhe said the food bank in Billings, MT cost 5 million but that it actually cost just under 4.5 million.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Friday, March 25, 2011. Motion carried.

House adjourned at 3:25 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SIXTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
March 25, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Blyton. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Hansen, Kerns, and Yates, excused. Quorum present.

BILLS (O'Hara, Chairman):

3/25/2011

Correctly printed: **HB 607, HB 614, HB 627, HB 638, SB 160, SB 174, SB 184.**

Correctly engrossed: **HB 240, HB 397, HB 518, HB 595, HB 616, HB 618, SB 29, SB 43, SB 135, SB 255.**

Examined by the sponsor and found to be correct: **HB 25, HB 142, HB 212, HB 338, HB 403, HB 428, HB 467, HB 479.**

Correctly enrolled: **HB 25, HB 110, HB 142, HB 212, HB 338, HB 403, HB 428, HB 467, HB 479.**

Signed by the Speaker at 9:55 a.m., March 25, 2011: **HB 80, HB 82, HB 117, HB 171, HB 229, HB 250, HB 298, HB 319, HB 324, HB 333, HB 337, HB 401, HB 422, HB 432, HB 449, HB 481, HB 517, HB 523, HB 531, HB 559, HB 568, HJR 17.**

Signed by the Chief Clerk of the House at 9:15 a.m., March 25, 2011: **HB 80, HB 82, HB 117, HB 171, HB 229, HB 250, HB 298, HB 319, HB 324, HB 333, HB 337, HB 401, HB 422, HB 432, HB 449, HB 481, HB 517, HB 523, HB 531, HB 559, HB 568, HJR 17.**

Signed by the Chief Clerk of the House at 4:30 p.m., March 25, 2011: **HB 25, HB 142, HB 212, HB 338, HB 403, HB 428, HB 467, HB 479.**

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 49 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 81

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Nays: G. Bennett, Blyton, Brodehl, Burnett, Esp, Hale, Kary, Kennedy, Knox, Loney, More, Skattum, Skees, C. Smith, Wagner.

Total 15

Excused: Hansen, Kerns, Yates.

Total 3

Absent or not voting: Vance.

Total 1

HB 110 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 88

Nays: Blyton, Burnett, Edmunds, Kennedy, Knox, O'Neil, Skattum, C. Smith, Wagner.

Total 9

Excused: Hansen, Kerns, Yates.

Total 3

Absent or not voting: None.

Total 0

HB 140 passed as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McClafferty, McGillvray, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Small, F. Smith, Squires, Swanson, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 72

Nays: Ankney, Belcourt, Blyton, Boland, Court, Driscoll, Gibson, Howard, Ingraham, Kennedy, Knox, Knudsen, McChesney, McNally, Mehlhoff, Randall, Reinhart, Sesso, Skattum, Skees, C.

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Smith, Stahl, Taylor, Vance, Wagner.

Total 25

Excused: Hansen, Kerns, Yates.

Total 3

Absent or not voting: None.

Total 0

HB 209 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier,

Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 71

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Swanson, Williams, Wilmer.

Total 26

Excused: Hansen, Kerns, Yates.

Total 3

Absent or not voting: None.

Total 0

HB 243 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 84

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Nays: Flynn, Hale, Kennedy, Malek, Miller, O'Neil, Pease-Lopez, Rosendale, Sands, Skattum, Vance, Wagner, Warburton.

Total 13

Excused: Hansen, Kerns, Yates.

Total 3

Absent or not voting: None.

Total 0

HB 283 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: Hansen, Kerns, Yates.

Total 3

Absent or not voting: None.

Total 0

HB 296 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Furey, Gibson, Hale, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kennedy, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Mr. Speaker.

Total 58

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Esp, Evans, Flynn, Greef, Harris, Hendrick, Howard, Ingraham, Kary, Knox, Knudsen, Lavin, McGillvray, McNiven, More, O'Neil, Osmundson, Peterson, Randall, Regier, Rosendale, Salomon, Skattum, Skees, C.

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 39

Excused: Hansen, Kerns, Yates.

Total 3

Absent or not voting: None.

Total 0

HB 377 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 91

Nays: Boland, McClafferty, Mehlhoff, Noonan, Reinhart, Squires.

Total 6

Excused: Hansen, Kerns, Yates.

Total 3

Absent or not voting: None.

Total 0

HB 423 passed as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Clark, Cook, Cuffe, Driscoll, Ehli, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, Knudsen, Lavin, MacLaren, McChesney, McClafferty, McNally, McNutt, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Randall, Reinhart, Rosendale, Salomon, Sands, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Welborn, Wilmer.

Total 49

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Blyton, Boland, Brodehl, Burnett, Connell, Court, Edmunds, Esp, Fitzpatrick, Flynn, Greef, Hale, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Knox, Loney, MacDonald, Malek, McGillvray, McNiven, Mehlhoff, More, O'Hara,

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Osmundson, Peterson, Price, Read, Regier, Reichner, Roberts, Schmidt, Skattum, Skees, C. Smith, Taylor, Wagner, Warburton, Williams, Mr. Speaker.
Total 48

Excused: Hansen, Kerns, Yates.
Total 3

Absent or not voting: None.
Total 0

HB 439 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read,

Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.
Total 72

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Greef, Howard, Kennedy, Knox, Knudsen, McNiven, More, O'Neil, Osmundson, Randall, Regier, Rosendale, Skattum, Skees, C. Smith, Taylor, Vance, Wagner.
Total 25

Excused: Hansen, Kerns, Yates.
Total 3

Absent or not voting: None.
Total 0

HB 502 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Connell, Cook, Cuffe, Ehli, Evans, Fitzpatrick, Furey, Greef, Hale, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kennedy, Klock, Knox, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Washburn, Williams, Wilmer, Mr. Speaker.
Total 60

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Burnett, Clark, Court, Edmunds, Esp, Flynn, Gibson, Harris, Hendrick, Ingraham, Kary, Knudsen, Lavin, Loney, McGillvray, McNiven, More, O'Neil, Osmundson, Randall, Regier, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Welborn.

Total 36

Excused: Hansen, Kerns, Yates.

Total 3

Absent or not voting: Driscoll.

Total 1

HB 567 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 95

Nays: Evans, Pease-Lopez.

Total 2

Excused: Hansen, Kerns, Yates.

Total 3

Absent or not voting: None.

Total 0

HB 585 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 65

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: Hansen, Kerns, Yates.

Total 3

Absent or not voting: None.

Total 0

HB 615 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Read, Regier, Reichner,

Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 72

Nays: G. Bennett, Burnett, Clark, Cuffe, Edmunds, Flynn, Hale, Harris, Howard, Ingraham, Kennedy, Knox, Knudsen, McGillvray, McNiven, Miller, Osmundson, Peterson, Randall, Rosendale, Skattum, C. Smith, Vance, Wagner, Warburton.

Total 25

Excused: Hansen, Kerns, Yates.

Total 3

Absent or not voting: None.

Total 0

HB 621 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Burnett, Connell, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Washburn, Welborn, Wilmer.

Total 53

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Clark, Cook, Edmunds, Evans, Flynn, Greef, Hale, Harris, Hendrick, Ingraham, Kary, Kennedy, Knox, Knudsen, Lavin, Loney, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Williams, Mr. Speaker.
Total 44

Excused: Hansen, Kerns, Yates.
Total 3

Absent or not voting: None.
Total 0

Representative McGillvray moved that the House Republicans caucus. Motion carried.
Representative Hands moved that the House Democrats caucus. Motion carried.

House Recessed.
House Reconvened.

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the fifty-first, fifty-second, fifty-third, fifty-fourth, and fifty-fifth legislative days, find the same to be correct.

Representative O'Hara, Chair

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman):
SB 29, be amended as follows:

3/23/2011

1. Title, page 1, line 6.

Following: "PENALTY;"

Insert: "REQUIRING CONSIDERATION OF MITIGATING CIRCUMSTANCES;"

2. Page 1, line 16.

Following: "establishments"

Insert: "and manufacturers"

Following: "beverages"

Insert: "to the public"

3. Page 1, line 19.

Following: "."

Insert: "[Sections 1 through 9] do not apply to special permits issued under 16-4-301."

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

4. Page 2, line 30.

Strike: "HAVE"

Insert: "not provide"

5. Page 3, line 1 through line 2.

Strike: "IF" on line 1 through "(1)" on line 2

6. Page 3, line 8.

Following: "**Penalty.**"

Insert: "(1)"

7. Page 3, line 10.

Strike: "\$200 fine"

Insert: "\$50 penalty for a first offense, a \$200 penalty for a second offense, and a \$350 penalty for a third offense in a 3-year period"

8. Page 3, following line 12.

Insert: "(2) The department shall consider the following as mitigating circumstances before taking an action pursuant to 16-4-406 against a licensee who is not in compliance with the provisions of [sections 1 through 9]:

(a) the licensee's prior violation history;

(b) the licensee's good faith effort to prevent a violation;

(c) the existence of written policies governing employee conduct; and

(d) whether the evidence of a violation was based solely on the investigating authority creating an opportunity for the violation rather than on complaints received or observed misconduct."

And, as amended, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman):

3/24/2011

HB 607, do pass. Report adopted.

SB 43, be amended as follows:

1. Page 1, line 20.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

2. Page 2, line 17.

Strike: "EXISTING"

3. Page 2, line 20.

Strike: "nonmotorized"

Strike: "existing"

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

4. Page 2, line 21.

Following: "VAULT"

Insert: "and electrical service"

Following: "ONLY"

Strike: "A"

Insert: "the"

5. Page 2, line 22.

Strike: "PAD"

Insert: "pads"

6. Page 2, line 30.

Following: "~~(1)(e)~~"

Insert: "or (1)(e)"

7. Page 3, line 2.

Following: "~~unnecessary~~"

Insert: "unnecessary"

And, as amended, be concurred in. Report adopted.

SB 135, be amended as follows:

1. Page 2, line 13 through line 14.

Strike: " " on line 13 through "(I)" on line 14

2. Page 2, line 14.

Strike: " " ₁

Insert: " " ₁

3. Page 2.

Strike: line 15 through "(B)" on line 18

4. Page 2, line 18.

Following: "manner"

Insert: " :
(i)"

5. Page 2, line 19.

Strike: " " ₁

Insert: " ;" ₁

6. Page 2, line 20.

Strike: "(C)"

Insert: "(ii)"

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Strike: "During"
Insert: "during"
Strike: "any person"
Insert: "whether"
Strike: "a tracking"
Insert: "the"
Following: "dog"
Insert: ", "

7. Page 2, line 21.

Strike: " "
Insert: " ;
 (iii) may carry any weapon allowed by law;
 (iv) may dispose of the wounded game animal using any weapon allowed by the valid hunting license; and
 (v) shall immediately tag an animal that has been reduced to possession in accordance with 87-2-509."

8. Page 2, line 22.

Strike: "(D)"
Insert: "(b)"
And, as amended, be concurred in. Report adopted.

SB 160, be concurred in. Report adopted.
SB 174, be concurred in. Report adopted.
SB 184, be concurred in. Report adopted.
SB 255, be amended as follows:

1. Title, page 1, line 6.

Following: "~~TRAP~~"
Insert: "OR FISH"

2. Page 1, line 10.

Following: "~~trapping~~"
Insert: "and fishing"

3. Page 1, line 11.

Following: "~~and~~"
Insert: "fish and"

4. Page 1, line 13.

Following: "~~and~~"
Insert: "fish and"

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

5. Page 1, line 15.

Following: "and"

Insert: "fish and"

6. Page 1, line 20 through line 22.

Strike: "Any" on line 20 through "hunt" on line 22

7. Page 1, line 23.

Following: "trap"

Insert: "Any allocative commission decision made only during a biennial or quadrennial seasonal rule adoption conducted pursuant to this part that sets seasons, quotas, permitting, or licensing for the hunting or fishing of wildlife, fish, game, or waterfowl in the state"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Peterson, Chairman):

3/25/2011

HB 518, introduced bill, be amended as follows:

1. Page 4, line 18 through line 21.

Strike: subsection (7) in its entirety

2. Page 7, line 10 through line 12.

Strike: "court" on line 10 through "law" on line 12

Insert: "directive has no legal effect during a period of involuntary inpatient commitment or a period during which a person is subject to a court order for the care, custody, and treatment of the person pursuant to Title 46, chapter 14"

And, as amended, do pass. Report adopted.

HB 627, do pass. Report adopted.

HB 638, do pass. Report adopted.

TAXATION (Blasdel, Chairman):

3/24/2011

HB 240, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "CONDEMNOR'S"

Following: "OFFER"

Insert: "BY THE STATE OR ITS AGENT"

2. Title, page 1, line 8 through line 9.

Strike: "PROVIDING" on line 8 through "USED;" on line 9

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

3. Title, page 1, line 9.

Following: "70-30-111,"

Strike: "AND"

Following: "70-30-305,"

Insert: "AND 70-30-311,"

4. Page 1, line 14 through page 7, line 1.

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 70-30-101, MCA, is amended to read:

"70-30-101. Eminent domain defined -- definitions. (1) Eminent domain is the right of the state to take private property for public use. This right may be exercised in the manner provided in this chapter.

(2) As used in this chapter, unless the context indicates otherwise, the following definitions apply:

(a) "Appraisal" means a written statement, independently and impartially prepared by a certified real estate appraiser as defined in 37-54-102 with a minimum of 5 years of experience, setting forth an opinion of defined value of an adequately described property or property interest on a specific date and supported by the presentation and analysis of relevant market information.

(b) "Final written offer" means the last written offer presented to the property owner at least 30 days before service of process in a civil action pursuant to 70-30-202.

(c) "Negotiation" means a communication process of give-and-take discussions between parties.""

Insert: "**Section 2.** Section 70-30-110, MCA, is amended to read:

"70-30-110. Survey and location of property to be taken -- greatest public good -- least private injury. (1) In all cases in which land is required for public use, the state or its agents in charge of the public use may survey and locate the land to be used. The use must be located in the manner that will be most compatible with the greatest public good and the least private injury, and the location is subject to the provisions of 70-30-206. The state or its agents in charge of the public use may, after giving 30 days' written notice to the owners and persons in possession of the land, enter upon the land and make examination, surveys, and maps of the land. The entry does not constitute a cause of action in favor of the owners of the land except from injuries resulting from negligence or intentional acts. Upon written request of the state or its agents, the owner shall provide the names and addresses of all persons who are in possession of the owner's land within 14 days from receipt of the written notice. The state or its agents shall within 14 days from receipt of that information furnish written notice to the listed persons. The notice to the listed persons must be sent to the address provided by the owner, and if the owner fails to provide the address then there is no obligation to send the notice unless the state or its agent otherwise has an address for the listed person. The notice to the listed persons does not affect the deadline of the original 30 days' notice or the right of the state or its agent to enter upon the land upon the expiration of the 30 days.

(2) Prior to or at the time of rejection of the final written offer as referred to in 70-30-111(4) 70-30-111(1)(d), the condemnee may provide to the condemnor the condemnee's claim of appropriate measures that the condemnee considers necessary to minimize damages to the property directly affected by the project as well as to minimize damages incurred to the remaining parcel of property.""

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Insert: "Section 3. Section 70-30-111, MCA, is amended to read:

"70-30-111. Facts necessary to be found before condemnation. (1) Before property can be taken, the condemnor shall show by a preponderance of the evidence that the public interest requires the taking based on the following findings:

(1)(a) the use to which the property is to be applied is a public use pursuant to 70-30-102;
(2)(b) the taking is necessary to the public use;
(3)(c) if already being used for a public use, that the public use for which the property is proposed to be used is a more necessary public use;

(4)(d) ~~an effort to obtain the property interest sought to be taken was made by submission of a written offer and the offer was rejected.~~ a final written offer of just compensation was made and the property owner was given at least 30 days to provide a written acceptance or rejection of the offer in accordance with subsection (2); and

(e) the appraisal, negotiation, and other condemnation procedures required pursuant to [section 6] have been satisfied.

(2)(a) The written offer must be sent by certified mail to the owner's property tax address unless the owner has advised the state or its agent in writing of a different address for notices for purposes of the negotiations.

(b) A written offer is considered rejected if no written acceptance is received within 30 days after its delivery."

Insert: "Section 4. Section 70-30-305, MCA, is amended to read:

"70-30-305. Condemnor to make offer upon appeal -- award of expenses of litigation.

(1) The condemnor shall, within 30 days after an appeal is perfected from the condemnation commissioner's award or report or not more than 60 days after the waiver of appointment of commissioners, submit to the condemnee a written final offer of judgment for the property sought to be taken, together, if the award was in excess of the final written offer as provided in 70-30-111(1)(d), with the accrued necessary expenses of the condemnee. If at any time prior to 10 days before trial the condemnee serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance, together with proof of service of the acceptance, and judgment must be entered. An offer not accepted is considered withdrawn and evidence of the offer is not admissible at the trial except in a proceeding to determine costs. The fact that an offer is made but not accepted does not preclude a subsequent offer.

(2) In the event of litigation and when the condemnee prevails by receiving an award in excess of the final ~~offer of the condemnor~~ written offer as provided in 70-30-111(1)(d), the court shall award necessary expenses of litigation to the condemnee."

Insert: "Section 5. Section 70-30-311, MCA, is amended to read:

"70-30-311. Putting condemnor in possession. (1) At any time after the filing of the preliminary condemnation order pursuant to 70-30-206 or an order as provided in 60-4-104(4) and (5) and while it retains jurisdiction, the court upon application of the condemnor may make an order that:

(a) upon payment into court of the amount of compensation claimed by the condemnee in the condemnee's statement of claim of just compensation under 70-30-207, ~~or~~ the amount assessed either by the commissioners or by the jury, or 125% of the amount of the condemnor's final written offer pursuant to [section 6(8)], the condemnor is authorized:

(i) if already in possession of the property of the condemnee that is sought to be taken, to continue in possession; or

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

(ii) except as provided in subsection (3)(b), if not in possession, to take possession of the property and use and possess the property during the pendency and until the final conclusion of the proceedings and litigation; and

(b) all actions and proceedings against the condemnor on account of the possession are stayed until the final conclusion of the proceedings and litigation.

(2) If the condemnee fails to file a statement of claim of just compensation within the time specified in 70-30-207, the condemnor may obtain an order for possession provided for in subsection (1), subject to the condition subsequent that a condemnor's payment into court of the amount assessed either by the commissioners or by the jury must be made within 10 days of receipt of the ~~condemnee's statement of claim~~ report of the condemnation commissioners under 70-30-303 or the jury verdict under 70-30-304.

(3)(a) However, when an appeal is taken by the condemnee, the court, upon request of the condemnee, may require the condemnor ~~before continuing or taking possession,~~ in addition to paying into court the amount assessed, to give a bond or undertaking with sufficient sureties approved by the court and in an amount that the court may direct, conditioned to pay the condemnee any additional damages and costs above the amount assessed, which is finally determined as the amount that the condemnee is entitled to for the taking of the property, and all damages that the condemnee may sustain if for any cause the property is not finally taken for public use.

(b) The condemnor may remain in possession of the property during the proceedings to determine the bond or undertaking and may continue in possession if the condemnor posts the bond or undertaking within 10 days of the court's order determining the bond or undertaking.

(4) The amount assessed by the commissioners or by the jury on appeal is considered, for the purposes of this section and until reassessed or changed in the further proceedings, as just compensation for the property taken. However, the condemnor, by payment into court of ~~the an~~ amount ~~claimed in the answer or the amount assessed~~ under subsection (1)(a) or by giving security as provided in subsection (3), may not be prevented from appealing from the assessment but may appeal in the same manner and with the same effect as if money had not been deposited or security had not been given.

(5) (a) Subject to subsection (5)(b), in all cases in which the condemnor deposits ~~the an~~ amount ~~of the assessment~~ under subsection (1)(a) and continues in possession or takes possession of the property, as provided in this section, the condemnee, if there is no dispute as to the ownership of the property, may at any time demand and receive upon order of the court all or any part of the money deposited. The demand or receipt may not preclude the condemnee's right of appeal from the assessment. However, if the amount of the assessment is finally reduced on appeal by either party, the condemnee who has received all or any part of the amount deposited is liable to the condemnor for any excess of the amount received over the amount finally assessed, with legal interest on the excess from the time the condemnee received the money deposited. The excess, plus interest, may be recovered by a civil action. Upon any appeal from an assessment by the commissioners to a jury, the jury may make a finding for any amount that it considers appropriate.

(b) The court may not order the delivery to any condemnee of more than 75% of the money deposited on the condemnee's account except upon posting of bond by the condemnee equal to the amount in excess of 75%, with sureties to be approved by the court, to repay to the condemnor amounts withdrawn that are in excess of the condemnee's final award in the proceedings.""

"NEW SECTION. **Section 6. Written offer, negotiation, and other condemnation**

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

policies mandated. Unless the property owner and the state or its agent agree in writing otherwise, the state or its agent shall comply with the following policies for the acquisition of real property:

(1) Before the initiation of negotiations for the acquisition of real property, an amount must be established by the state or its agent that is reasonably believed to be just compensation for the property or interest taken and that amount must be offered for the property as a written statement of the initial offer. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which the property is acquired or by the likelihood that the property would be acquired for the improvement, other than an amount due to physical deterioration within the reasonable control of the owner, must be disregarded in determining the compensation for the property. The owner of the real property to be acquired must be provided with a written statement of the initial offer and a summary of the basis for the amount established as just compensation. When appropriate, the just compensation for the real property to be acquired and for damages to remaining real property must be separately stated. The written statement of the initial offer must be sent by certified mail to the owner's property tax address unless the owner has advised the state or its agent in writing of a different address for statements and notices for the purposes of the negotiations.

(2)(a) The owner of the property sought to be taken shall reply to the state or its agent in writing within 30 days of delivery of the written statement of the initial offer pursuant to subsection (1) or additional offers pursuant to subsection (3) in accordance with subsections (2)(b) and (2)(c) or the offer is considered rejected.

(b) In a reply to the written statement of the initial offer or additional written offers, the owner of the property sought to be taken shall accept, reject, or provide a counteroffer to the state or its agent.

(c) The reply must be delivered by certified mail.

(3) After receiving a response to the written statement of the initial offer pursuant to subsection (2), the state or its agent may continue negotiations with the owner of the property sought to be taken by providing additional written offers. If the state or its agent provides additional written offers to the owner of the property sought to be taken, the property owner shall respond as provided in subsection (2).

(4) Forty-five days after the owner receives the written statement of the initial offer, the state or its agent may send written notice to the property owner to end initial negotiations. The notice must be sent by certified mail to the property owner's property tax address unless the owner has advised the state or its agent in writing of a different address for notices and statements for the purposes of the negotiations. The notice may request that the parties begin a mediation process under subsection (5).

(5) The state or its agent shall make every reasonable effort to expeditiously acquire real property by negotiation using the process in subsections (1) through (4). If:

(a) within 45 days of the written statement of the initial offer a voluntary property interest agreement has not been signed by both parties, a formal mediation process may begin if the parties mutually agree to a mediation process. The mediator must be paid for by the state or its agent acquiring the property. A reasonable effort does not require mediation.

(b) within 90 days of the delivery of the written statement of the initial offer the parties cannot agree on a mediation process, the mediation efforts do not produce a settlement agreement, or the parties do not otherwise reach agreement on a mutually signed property interest agreement, the state or its agent acquiring the property shall make the final written offer provided for in 70-30-

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

111(1)(d) based upon an appraisal. The property owner has 30 days from delivery of the final written offer to either accept or reject the final written offer, and a lack of acceptance or rejection on the part of the property owner within that time means that the property owner has rejected the final written offer.

(c) the final written offer is rejected as provided in subsection (5)(b), a civil action may be filed pursuant to 70-30-202.

(6) A property owner's claim for appropriate measures under 70-30-110(2) may not be considered a rejection of the final written offer by the state or its agent referred to in 70-30-111(1)(d).

(7)(a) Real property must be appraised before the final written offer, and the owner or the owner's designated representative must be given an opportunity to accompany the appraiser during the appraiser's inspection of the property. The appraiser has the right to enter upon property for the purposes of appraising the property, and the entry does not constitute a cause of action in favor of the owner except from injuries resulting from negligence or intentional acts.

(b) For appraisals done by appraisers licensed by another state, the licensure qualifications for that state must be as stringent as those provided for in Title 37, chapter 54, part 2.

(8) An owner may not be required to surrender possession of real property before the agreed purchase price and relocation costs are paid or before there is deposited with the court, in accordance with 70-30-311(1)(a) and subsection (11) of this section, for the benefit of the owner, an amount not less than 125% of the amount of the final written offer by the state or its agent, the amount of the award of compensation in the condemnation proceeding of the property, or the amount of compensation claimed by the condemnee in the condemnee's statement of claim of just compensation under 70-30-207.

(9) The construction or development of a program or project must be scheduled so that, to the greatest extent practicable, a person lawfully occupying real property is not required to move from a dwelling or to materially move the person's business or farm operation without at least 90 days' written notice of the date by which a move is required.

(10) If an owner or tenant is permitted to occupy the real property acquired on a rental basis, on a short-term basis, or for a period subject to termination by the condemnor on short notice, the amount of rent required may not exceed the fair rental value of the property to a short-term occupier.

(11) The timeframe for condemnation and negotiations must be in accordance with this chapter, and the deposit of funds in court for the use of the owner may not be deferred. Any other action coercive in nature may not be taken to compel an agreement on the price to be paid for the property.

(12) If an interest in real property is to be condemned for a public use as defined in 70-30-102, formal condemnation proceedings must be instituted as provided in this chapter. The state or its agent may not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of the owner's real property.

(13) If the fee acquisition of only part of the property would leave its owner with an uneconomic remnant, an offer to acquire the uneconomic remnant must be made.

(14) A person whose real property is being acquired may, after being fully informed of the person's right to receive just compensation, donate to the state or its agent the property, any interest in the property, or any compensation received for the property.

Insert: "NEW SECTION. **Section 7. Codification instruction.** [Section 6] is intended to

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

be codified as an integral part of Title 70, chapter 30, part 1, and the provisions of Title 70, chapter 30, part 1, apply to [section 6]."

Insert: "NEW SECTION. Section 8. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Insert: "NEW SECTION. Section 9. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence: 3/24/2011

SB 343, introduced by Jackson

House bills concurred in and returned to the House: 3/24/2011

HB 25, introduced by Roberts

HB 142, introduced by Sands

HB 212, introduced by Ingraham

HB 338, introduced by Esp

HB 403, introduced by MacLaren

HB 428, introduced by Berry

HB 467, introduced by Brodehl

HB 479, introduced by Small

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/24/2011

HB 469, introduced by Clark

HB 541, introduced by Welborn

HB 584, introduced by Mehlhoff

MESSAGES FROM THE GOVERNOR

March 24, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Milburn:

STATE INTERNET/BBS COPY

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Please be informed that I have signed **House Bill 58** sponsored by Representative Belcourt and **House Bill 268** sponsored by Representative Klock et al., on March 24, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 642, introduced by Blasdel, Sonju, C. Williams, McGillvray, Hollenbaugh, Essmann, Buttrey, Vincent, Olson, Sesso, Milburn, Gillan, referred to Taxation.

The following Senate bill was introduced, read first time, and referred to committee:

SB 343, introduced by Jackson, Taylor, Murphy, Edmunds, Walker, Vincent, Mowbray, McGillvray, Harris, Lewis, G. Bennett, Salomon, Blewett, Augare, Gallus, Larsen, Ingraham, Beck, Zinke, Mehlhoff, Caferro, O'Neil, Hendrick, Facey, Vance, Branae, Kaufmann, Osmundson, Arntzen, Hawks, Wanzenried, Moss, Loney, Arthun, Priest, J. Peterson, Regier, Blasdel, Sesso, Reichner, Brodehl, Connell, Skees, Hoven, Read, Skattum, Hamlett, K. Williams, Hale, Lavin, O'Hara, referred to Agriculture.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Reichner in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 358 - Representative MacLaren moved **HB 358** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Skattum, Skees, Small, C. Smith, F.

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 84

Nays: Barrett, B. Bennett, Boland, Court, Hill, Kerns, MacDonald, Noonan, Pease-Lopez, Phillips, Reinhart, Sands, Sesso, Squires.

Total 14

Excused: None.

Total 0

Absent or not voting: Swanson, Mr. Speaker.

Total 2

HB 83 - Representative Berry moved **HB 83** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: G. Bennett, Edmunds, Kennedy, Kerns, Knudsen, Miller, O'Neil, Randall, Skattum, Skees, C. Smith.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 157 - Representative Stahl moved **HB 157** do pass. Motion carried as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon,

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 54

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Burnett, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kerns, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 46

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 165 - Representative Hollandsworth moved **HB 165** do pass.

HB 165 - Representative Hollandsworth moved **HB 165**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

Following: "ACCOUNT"

Insert: "AND THE SCHOOL FACILITY AND TECHNOLOGY ACCOUNT"

2. Page 2, line 4 through line 5.

Strike: first "in" on line 4 through "schools" on line 5

Insert: "as follows:

(a) from July 1, 2011, through June 30, 2014, to the guarantee account provided for in 20-9-622; and

(b) on or after July 1, 2014, to the school facility and technology account provided for in 20-9-516"

3. Page 2, line 19.

Strike: "and"

4. Page 2, line 20.

Following: "~~;~~ and"

Insert: "; and"

5. Page 2, line 21.

Following: "~~77-4-208~~"

Insert: "(c) the income received from certain lands and riverbeds as provided in 17-3-1003(5)"

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 72

Nays: B. Bennett, Boland, Court, Furey, Hands, Hiner, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Welborn, Williams, Wilmer.
Total 26

Excused: Hansen, Kerns.
Total 2

Absent or not voting: None.
Total 0

HB 165 - Representative Hollandsworth moved **HB 165**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

HB 183 - Representative C. Smith moved **HB 183** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: Loney.

Total 1

HB 184 - Representative C. Smith moved **HB 184** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Absent or not voting: Hale.

Total 1

HB 186 - Representative Hunter moved **HB 186** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kary, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 71

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Greef, Hale, Hendrick, Howard, Ingraham, Kennedy, Kerns, Knox, Knudsen, Lavin, Miller, More, O'Neil, Randall, Regier, Rosendale, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 316 - Representative Cook moved **HB 316** do pass.

HB 316 - Representative Miller moved **HB 316**, second reading copy, be amended as follows:

1. Title, page 1, line 16 through line 17.

Following: "FEES;" on line 16

Strike: remainder of line 16 through "TAX;" on line 17

2. Title, page 1, line 30.

Strike: "15-65-121,"

3. Page 13, line 23 through page 15, line 6.

Strike: section 6 in its entirety

Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Boland, Brodehl, Court, Driscoll, Edmunds, Flynn, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara,

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

O'Neil, Pease-Lopez, Phillips, Price, Read, Regier, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 49

Nays: Ankney, Arntzen, Bangerter, G. Bennett, Berry, Blyton, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, MacLaren, McGillvray, McNiven, McNutt, Osmundson, Peterson, Randall, Roberts, Rosendale, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 49

Excused: Hansen, Kerns.
Total 2

Absent or not voting: None.
Total 0

HB 316 - Representative Cook moved **HB 316**, second reading copy, be amended as follows:

1. Page 6, line 18.

Strike: "90% of"

2. Page 6, line 20 through line 21.

Strike: ", AND 10% OF THE PROCEEDS MUST BE DEPOSITED IN THE GENERAL FUND"

3. Page 6, line 22.

Strike: "90% of"

4. Page 6, line 23 through line 24.

Strike: ", AND 10% OF THE PROCEEDS MUST BE DEPOSITED IN THE GENERAL FUND"

5. Page 6, line 25.

Strike: "10% of"

6. Page 6, line 26.

Strike: "MUST BE DEPOSITED IN THE GENERAL FUND AND 90%"

7. Page 20, line 18.

Strike: "22.5%"

Insert: "25%"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans,

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Fitzpatrick, Flynn, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 83

Nays: B. Bennett, Boland, Court, Furey, Hale, Kennedy, Knox, More, O'Neil, Phillips, Reinhart, Sands, Wagner, Wilmer.

Total 14

Excused: Hansen, Kerns.

Total 2

Absent or not voting: Miller.

Total 1

HB 316 - Representative Cook moved **HB 316**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 56

Nays: Barrett, Belcourt, B. Bennett, Boland, Brodehl, Court, Driscoll, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knox, Lavin, MacDonald, Malek, McChesney, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer.

Total 43

Excused: None.

Total 0

Absent or not voting: McClafferty.

Total 1

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

HB 357 - Representative MacLaren moved **HB 357** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 274 - Representative McGillvray moved consideration of **HB 274** be passed for the day. Motion carried.

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Reichner moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 68

Nays: Belcourt, B. Bennett, Boland, Court, Furey, Hill, Hiner, Hollenbaugh, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires.

Total 25

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Excused: Hansen, Kerns, Yates.

Total 3

Absent or not voting: Ankney, Hands, Mehlhoff, Swanson.

Total 4

REPORTS OF STANDING COMMITTEES

TAXATION (Blasdel, Chairman):

3/25/2011

HB 397, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "EDUCATION"

2. Title, page 1, line 5.

Strike: "EXPENSES"

Insert: "TUITION"

Following: "CREDIT;"

Insert: "PROVIDING A PHASEOUT OF THE CREDIT BASED ON INCOME; PROVIDING THAT THE INCOME AMOUNTS ARE ADJUSTED FOR INFLATION;"

3. Title, page 1, line 6.

Strike: "DEFINING "EDUCATION EXPENSES""

Insert: "REQUIRING AN INFORMATION RETURN FROM A QUALIFIED SCHOOL OR PROGRAM"

4. Page 1, line 12.

Following: "education"

Insert: "-- definitions"

5. Page 1, line 13.

Following: "education"

Strike: "expenses"

Insert: "tuition"

Following: "for"

Strike: "a dependent child"

Insert: "an eligible student"

6. Page 1, line 14.

Following: "form"

Insert: "for each eligible student"

7. Page 1, line 15.

Strike: "2"

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Insert: "3"

Following: "[section 2]."

Insert: "Only one credit for each eligible student may be claimed in a tax year under this section."

8. Page 1, line 16.

Following: "(2)"

Strike: "Education expenses that qualify"

Insert: "Tuition that qualifies"

Following: "section"

Strike: "are amounts"

Insert: "is an amount"

9. Page 1, line 17.

Strike: "a dependent"

Insert: "an eligible student"

10. Page 1, line 18.

Following: "qualifying"

Strike: "education expenses"

Insert: "tuition"

11. Page 1, line 19.

Following: the first "\$750"

Insert: "for each eligible student"

Following: "qualifying"

Strike: "education expenses"

Insert: "tuition"

12. Page 1, line 20.

Following: "which"

Strike: "those expenses have"

Insert: "the tuition has"

13. Page 1, line 22.

Following: "\$1,400"

Insert: "for each eligible student"

14. Page 1, line 23.

Following: "\$2,000"

Insert: "for each eligible student"

15. Page 1, line 24.

Following: "\$2,300"

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Insert: "for each eligible student"

16. Page 1, line 25.

Following: "\$2,600"

Insert: "for each eligible student"

17. Page 1, following line 25.

Insert: "(4) The credit may not be claimed for a child who is home-schooled."

Renumber: subsequent subsections

18. Page 1, line 27.

Following: "Of the"

Insert: "total"

19. Page 2, lines 1 through 22.

Strike: subsection (6) in its entirety

Insert: (7) (a) For an individual whose household income is \$75,000 or more but less than \$97,000, the amount of the credit is equal to the credit calculated under this section multiplied by the decimal equivalent of a percentage figure according to the following table:

Household Income	Percentage of Credit Allowed
\$75,000 - \$86,000	50%
\$86,001 - \$96,999	25%
\$97,000 or more	0%

(b) For tax years beginning after December 31, 2011, the department shall, by November 1 of each year, multiply the household income amounts contained in subsection (7)(a) by the inflation factor for that tax year and round the product to the nearest \$100. The resulting adjusted household income amounts are effective for that tax year and must be used in calculating the tax credit allowed under this section.

(8) As used in [sections 1 and 2], the following definitions apply:

(a) "Eligible student" means a student who is a Montana resident and is eligible to enroll in an elementary, middle school, or secondary school program in Montana and who:

(i) is attending a nonpublic school or entering a nonpublic school or transferring to a nonpublic school from a public school; or

(ii) is currently placed or during the previous fiscal year was placed in foster care under the supervision of the state and is eligible to attend a nonpublic school.

(b) "Income" means income as defined in 15-30-2337(9)(a). Income includes all income received by all individuals of the household while they are members of the household.

(c) "Inflation factor" means a number determined for each tax year by dividing the consumer price index for June of the tax year by the consumer price index for June 2011.

(d) "Qualified school or program" means a school or program that:

(i) is a nonpublic elementary school or secondary school that is located in this state or is a public or private school located in the United States that provides distance learning instruction;

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

(ii) is accredited or has applied for accreditation or is provisionally accredited by the board of public education, northwest accreditation association, or other nationally recognized accreditation association;

(iii) is not a home school as provided in 20-5-109;

(iv) administers a nationally recognized normative assessment test and makes the results available to parents; and

(v) satisfies the health and safety requirements prescribed by law for private schools in this state."

20. Page 2.

Following: line 22

Insert: "NEW SECTION. Section 2. Education tax credit -- information return. (1)

Each qualified school or program, as defined in [section 1], shall make an information return to the department concerning the credit allowed under [section 1]. The return must show the amount of the tuition paid by an individual for each eligible student and must include the individual's name, address, and social security number or taxpayer identification number. The qualified school or program shall provide the return to the individual making the tuition payment.

(2) The return must be made under rules adopted by the department and in the form and manner prescribed by the department."

Renumber: subsequent sections

21. Page 2, line 26.

Following: "[section 1]"

Insert: ", "

Strike: "and"

22. Page 2, lines 27 and 28.

Following: "enroll"

Strike: the first "a" through "school" on line 28

Insert: "an eligible student in a qualified school or program, and must be available in electronic format on the superintendent of public instruction's website"

23. Page 3, lines 1 and 2.

Strike: "clerk of the" through "who" on line 2

Insert: "county superintendent by May 10. The county superintendent"

24. Page 3, line 3.

Strike: "dependent children"

Insert: "students"

25. Page 3, line 5.

Following: "and"

Strike: "may not be included in the"

Insert: ", if"

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

26. Page 3, lines 5 and 6.

Following: "averaging"

Strike: "pursuant to 20-9-311" on lines 5 and 6

Insert: "is used, must also be subtracted from the previous 2 years' counts"

27. Page 3, line 7.

Following: "to"

Insert: ":",
(a)"

28. Page 3, line 8.

Following: "[section 1]"

Insert: "; and"

(b) the named qualified school or program for the purpose of the information return required by [section 2]"

29. Page 3, line 18.

Following: "of"

Insert: "eligible"

30. Page 3, line 19.

Strike: "2"

Insert: "3"

31. Page 7, line 21.

Insert: "(15) (a) Except as provided in subsection (15)(b), for the purpose of determining ANB under subsection (1) or (13), eligible students who are enrolled in a qualified school or program, for whom tax credits are being received under [sections 1 and 2], and who were previously enrolled in a public school must be subtracted from the current year count, and if 3-year averaging is used, they must also be subtracted from the previous 2 years' counts.

(b) Eligible students referred to in subsection (15)(a) who reside in the public school district in which they were previously enrolled may not be subtracted from ANB counts in any school year during which they reside in the district if the subtraction decreases the ANB count to less than:

- (i) 20 students in kindergarten or grade 1 or 2;
- (ii) 28 students in grade 3 or 4;
- (iii) 30 students in each of the grades 5 through 8; or
- (iv) 50 students in each of the grades 9 through 12."

32. Page 7.

Following: line 24

Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 15, chapter 30, part 26, and the provisions of Title 15, chapter 30, part 26, apply to [section 2]."

Renumber: subsequent subsection

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

33. Page 7, line 25.

Strike: "2"

Insert: "3"

34. Page 7, line 26.

Strike: "2"

Insert: "3"

And, as amended, do pass. Report adopted.

HB 595, introduced bill, be amended as follows:

1. Title, page 1, line 11.

Strike: "PROVIDING" through "YEAR;"

2. Title, page 1, line 12.

Strike: "AGRICULTURAL" through "THE"

3. Title, page 1, line 18.

Strike: "PROVIDING AN APPROPRIATION;"

4. Title, page 1, line 19.

Strike: "15-7-201,"

5. Page 5, line 13.

Following: "(b)"

Insert: "(i)"

6. Page 5.

Following: line 17

Insert: "(ii) After the first year of reappraisal of class three and class ten property, the department is not required to mail the notice provided for in subsection (1)(a)(iii) if the change in valuation is the result of an annual incremental change in valuation caused by the phasing in of a reappraisal under 15-7-111."

7. Page 8, line 29.

Following: "16.66%."

Insert: "For class three and class ten property, the resulting valuation changes must be phased in for each year until the next reappraisal. If a percentage of change for each year is not established, then the percentage of phasein for each year is 16.66%."

8. Page 9, line 24.

Strike: the first "2016"

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Insert: "2021"

Strike: the second "2016"

Insert: "2021"

Strike: "by January 1 of"

9. Page 9, line 25.

Strike: "year effective for that year"

Insert: "6 years. The resulting valuation changes must be phased in for each year until the next reappraisal. If a percentage of change for each year is not established, then the percentage of phasein for each year is 16.66%"

10. Page 10, line 18 through page 13, line 2.

Strike: section 8 in its entirety

Renumber: subsequent sections

11. Page 13, line 10.

Strike: "Notwithstanding the provisions of 15-7-201, the"

Insert: "The"

12. Page 17, line 18.

Strike: "annual"

13. Page 17, line 18 through page 19.

Strike: "to take" on line 18 through "15-7-111" on line 19

14. Page 18, line 23.

Following: "8%."

Insert: "However, the capitalization rate for each year of the base period for tax years 2009 through 2014 may not be less than 8%."

15. Page 19, line 18.

Strike: "December 31, 2012"

Insert: "July 1, 2011"

16. Page 20, line 15 through line 17.

Strike: section 16 in its entirety

Renumber: subsequent section

17. Page 20, line 19.

Strike: "16"

Insert: "12"

18. Page 20, line 21.

Following: "4"

Insert: ", 8,"

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

Strike: "10"

Insert: "9"

19. Page 20, line 22.

Strike: "8" through "15"

Insert: "10, 11, 13, and 14"

And, as amended, do pass. Report adopted.

HB 614, do pass. Report adopted.

HB 616, introduced bill, be amended as follows:

1. Page 3, line 7.

Following: "15-6-133"

Insert: "(1)(a)"

2. Page 3, line 16.

Following: "land"

Insert: "described in 15-6-133(1)(a)"

3. Page 3, line 25.

Following: "year."

Insert: "If the 2008 base year productive capacity value is less than the 2002 base year productive capacity value, the 2008 productive capacity value is not phased in for tax years 2009 through 2014."

4. Page 4, line 2.

Following: "year."

Insert: "If the 2008 base year productive capacity value is less than the 2002 base year productive capacity value, the 2008 productive capacity value is not phased in for tax years 2009 through 2014."

5. Page 4, line 10.

Following: ";

Strike: "or"

6. Page 4, line 11.

Following: "15-6-133"

Insert: "(1)(a); or
(c) nonqualified agricultural land described in 15-6-133(1)(c)"

7. Page 4, line 13.

Strike: "(a)"

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

8. Page 4, line 21 through line 30.

Strike: subsection (b) in its entirety

And, as amended, do pass. Report adopted.

HB 618, introduced bill, be amended as follows:

1. Page 1, line 25 through line 26.

Strike: "(A)" on lines 25 and 26

2. Page 1, line 29 through line 30.

Strike: line 29 through line 30 in their entirety

3. Page 2, line 8.

Following: "land,"

Insert: "not to exceed 15 acres,"

4. Page 2, line 9 through line 10.

Strike: "or cultural" on lines 9 and 10

5. Page 4, line 6.

Following: "the"

Insert: "general"

And, as amended, do pass. Report adopted.

MOTIONS

Representative McGillvray moved **HB 240** be moved from the Committee of the Whole to the Appropriations committee.

Representative Hill moved that **SB 284** be taken from Human Services and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Randall, Reinhart, Schmidt, Sesso, F. Smith, Squires, Stahl, Williams.

Total 38

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Ingraham, Kary, Kennedy, Klock, Knox, Lavin, Loney, McGillvray, McNiven, McNutt,

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 25, 2011

More, O'Hara, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Mr. Speaker.

Total 54

Excused: Hansen, Kerns, Yates.

Total 3

Absent or not voting: Cuffe, Evans, Howard, Sands, Swanson.

Total 5

Representative McGillvray moved **HB 157** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 641**
Motion carried.

HB 641 (Hands Chief Sponsor)
Representative Stahl.

Representative G. Bennett thanked the pages.

Representative Hendrick rose on a point of personal privilege to state that as a volunteer he has no medical insurance other than what he receives as a legislator.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Saturday, March 26, 2011. Motion carried.

House adjourned at 3:26 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SIXTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
March 26, 2011

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Connell. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Hansen, Kerns, and Swanson, excused. Quorum present.

BILLS (O'Hara, Chairman): 3/26/2011
Correctly printed: **SB 81, SB 111, SB 278.**
Correctly engrossed: **HB 610, SB 124, SB 212, SB 389.**
Signed by the Speaker at 8:30 a.m., March 26, 2011: **HB 25, HB 142, HB 212, HB 338, HB 403, HB 428, HB 467, HB 479.**

Representative Stahl introduced Anna Schmitz who sang *The National Anthem*.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman): 3/25/2011
SB 389, be amended as follows:

1. Page 4, line 12.
Strike: "weight"
Insert: "volume"

And, as amended, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman): 3/24/2011
SB 124, be amended as follows:

1. Page 79.
Following: line 15

Insert: "COORDINATION SECTION. Section 122. Coordination instruction. If both House Bill No. 337 and [this act] are passed and approved, then [sections 2 and 4 of House Bill No. 337] are void and [section 1 of Senate Bill No. 124] reads as follows:

"NEW SECTION. Section 1. Definitions. Unless the context requires otherwise, in [sections 1 through 80], the following definitions apply:

(1) "Alternative livestock" means a privately owned caribou, white-tailed deer, mule deer, elk, moose, antelope, mountain sheep, or mountain goat indigenous to the state of Montana, a privately owned reindeer, or any other cloven-hoofed ungulate as classified by the department. Black bear and mountain lion must be regulated pursuant to Title 87, chapter 4, part 8.

(2) "Alternative livestock ranch" means the enclosed land area upon which alternative livestock may be kept for purposes of obtaining, rearing in captivity, keeping, or selling alternative

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

livestock or parts of alternative livestock, as authorized under Title 87, chapter 4, part 4.

(3) (a) "Bait" means any animal matter, vegetable matter, or natural or artificial scent placed in an area inhabited by wildlife for the purpose of attracting game animals or game birds.

(b) The term does not include:

(i) decoys, silhouettes, or other replicas of wildlife body forms;

(ii) scents used only to mask human odor; or

(iii) types of scents that are approved by the commission for attracting game animals or game birds.

(4) "Closed season" means the time during which game birds, fish, game animals, and fur-bearing animals may not be lawfully taken.

(5) "Cloven-hoofed ungulate" means an animal of the order Artiodactyla, except a member of the families Suidae, Camelidae, or Hippopotamidae. The term does not include domestic pigs, domestic cows, domestic yaks, domestic sheep, domestic goats that are not naturally occurring in the wild in their country of origin, or bison.

(6) "Conviction" means a judgment or sentence entered following a guilty plea, a nolo contendere plea, a verdict or finding of guilty rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury, or a forfeiture of bail or collateral deposited to secure the person's appearance in court that has not been vacated.

(7) "Field trial" means an examination to determine the ability of dogs to point, flush, or retrieve game birds.

(8) "Fishing" means to take fish or the act of a person possessing any instrument, article, or substance for the purpose of taking fish in any location that a fish might inhabit.

(9) (a) "Fur dealer" means a person engaging in, carrying on, or conducting wholly or in part the business of buying or selling, trading, or dealing within the state of Montana in the skins or pelts of fur-bearing animals or predatory animals.

(b) If a fur dealer resides in Montana or if the fur dealer's principal place of business is within the state of Montana, the fur dealer is considered a resident fur dealer. All other fur dealers are considered nonresident fur dealers.

(10) "Fur farm" means enclosed land upon which furbearers are kept for purposes of obtaining, rearing in captivity, keeping, and selling furbearers or parts of furbearers.

(11) (a) "Fur-bearing animal" or "furbearer" means marten or sable, otter, muskrat, fisher, mink, bobcat, lynx, wolverine, northern swift fox, and beaver.

(b) As used in Title 87, chapter 4, part 10, "furbearer" does not include fox or mink.

(12) "Game animal" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, mountain lion, bear, and wild buffalo.

(13) "Game fish" means all species of the family Salmonidae (chars, trout, salmon, grayling, and whitefish); all species of the genus Stizostedion (sandpike or sauger and walleyed pike or yellowpike perch); all species of the genus Esox (northern pike, pickerel, and muskellunge); all species of the genus Micropterus (bass); all species of the genus Polyodon (paddlefish); all species of the family Acipenseridae (sturgeon); all species of the genus Lota (burbot or ling); the species *Perca flavescens* (yellow perch); all species of the genus Pomoxis (crappie); and the species *Ictalurus punctatus* (channel catfish).

(14) "Hunt" means to pursue, shoot, wound, kill, chase, lure, possess, or capture or the act of a person possessing a weapon, as defined in 45-2-101, or using a dog or a bird of prey for the purpose of shooting, wounding, killing, possessing, or capturing wildlife protected by the laws of this state in any location that wildlife may inhabit, whether or not the wildlife is then or subsequently

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

taken. The term includes an attempt to take by any means, including but not limited to pursuing, shooting, wounding, killing, chasing, luring, possessing, or capturing.

(15) "Knowingly" has the meaning provided in 45-2-101.

(16) "Livestock" includes ostriches, rheas, and emus.

(17) "Migratory game bird" means waterfowl, including wild ducks, wild geese, brant, and swans; cranes, including little brown and sandhill; rails, including coots; Wilson's snipes or jacksnipes; and mourning doves.

(18) "Negligently" has the meaning provided in 45-2-101.

(19) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other animal not otherwise legally classified by statute or regulation of this state.

(20) "Open season" means the time during which game birds, fish, and game and fur-bearing animals may be lawfully taken.

(21) "Participating state" means any state that enacts legislation to become a member of the Interstate Wildlife Violator Compact.

(22) "Person" means an individual, association, partnership, and corporation.

(23) "Possession" has the meaning provided in 45-2-101.

(24) "Predatory animal" means coyote, weasel, skunk, and civet cat.

(25) "Purposely" has the meaning provided in 45-2-101.

(26) "Raptor" means all birds of the orders Falconiformes and Strigiformes, commonly called falcons, hawks, eagles, ospreys, and owls.

(27) "Resident" has the meaning provided in 87-2-102.

(28) "Roadside menagerie" means any place where one or more wild animals are kept in captivity for the evident purpose of exhibition or attracting trade, on or off the facility premises. It does not include the exhibition of any animal by an educational institution or by a traveling theatrical exhibition or circus based outside of Montana.

(29) "Sale" means a contract by which a person:

(a) transfers an interest in either game or fish for a price; or

(b) transfers, barter, or exchanges an interest either in game or fish for an article or thing of value.

(30) "Supplemental feed attractant" means any food, garbage, or other attractant for game animals. The term does not include growing plants or plants harvested for the feeding of livestock.

(31) "Taxidermist" means a person who conducts a business for the purpose of mounting, preserving, or preparing all or part of the dead bodies of any wildlife.

(32) "Trap" means to take or participate in the taking of any wildlife protected by state law by setting or placing any mechanical device, snare, deadfall, pit, or device intended to take wildlife or to remove wildlife from any of these devices.

(33) "Upland game birds" means sharptailed grouse, blue grouse, spruce (Franklin) grouse, prairie chicken, sage hen or sage grouse, ruffed grouse, ring-necked pheasant, Hungarian partridge, ptarmigan, wild turkey, and chukar partridge.

(34) "Wild animal" means an animal that is wild by nature as distinguished from common domestic animals, whether the animal was bred or reared in captivity, and includes birds and reptiles.

(35) "Wild animal menagerie" means any place where one or more bears or large cats, including cougars, lions, tigers, jaguars, leopards, pumas, cheetahs, ocelots, and hybrids of those large cats, are kept in captivity for use other than public exhibition.

(36) "Wild buffalo" means buffalo or bison that have not been reduced to captivity.

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

(37) "Zoo" means any zoological garden chartered as a nonprofit corporation by the state or any facility participating in the American zoo and aquarium association accreditation program for the purpose of exhibiting wild animals for public viewing."

Insert: "COORDINATION SECTION. Section 123. Coordination instruction. If both House Bill No. 536 and [this act] are passed and approved, then [sections 1 of House Bill No. 536], amending 87-3-111, is void and [section 8 of Senate Bill No. 124] reads as follows:

"NEW SECTION. Section 8. Unlawful possession, shipping, or transportation of game fish, bird, game animal, or fur-bearing animal. (1) A person may not possess, ship, or transport all or part of any game fish, bird, game animal, or fur-bearing animal that was unlawfully killed, captured, or taken, whether killed, captured, or taken in Montana or outside of Montana.

(2) This section does not prohibit the possession, shipping, or transportation of:

(a) hides, heads, or mounts of lawfully killed, captured, or taken game fish, birds, game animals, or fur-bearing animals, except that the sale or purchase of a hide, head, or mount of a grizzly bear is prohibited, except as provided by federal law;

(b) naturally shed antlers or the antlers with a skull or portion of a skull attached from a game animal that has died from natural causes and that has not been unlawfully killed, captured, or taken or accidentally killed;

(c) the bones of an elk, antelope, moose, or deer that has died from natural causes and that has not been unlawfully killed, captured, or taken or accidentally killed;

(d) paddlefish roe as caviar under the provisions of 87-4-601; or

(e) captive-reared migratory waterfowl.

(3) A person may not possess, ship, or transport live fish away from the body of water in which the fish were taken except:

(a) as provided in Title 87, chapter 4, part 6, or as specifically permitted by the laws of this state;

(b) fish species approved by the commission for use as live bait and subject to any restrictions imposed by the commission; or

(c) within the boundaries of the eastern Montana fishing district, as established by commission regulations.

(4) The possession of all or part of a dead game fish, bird, game animal, or fur-bearing animal is prima facie evidence that the person or persons in whose possession the fish, bird, or animal is found killed, captured, or took the fish, bird, or animal.

(5) The value of a game fish, bird, game animal, or fur-bearing animal that is unlawfully possessed, shipped, or transported must be determined from the schedules of restitution values in [sections 68 and 69]. The value of game fish, birds, game animals, or fur-bearing animals that are unlawfully possessed, shipped, or transported pursuant to a common scheme, as defined in 45-2-101, or as part of the same transaction, as defined in 46-1-202, may be aggregated in determining the value.

(6) The following penalties apply for a violation of this section:

(a) If a person is convicted or forfeits bond or bail after being charged with unlawful possession, shipping, or transportation of a game fish or bird and if the value of all or part of the game fish or bird or combination thereof does not exceed \$1,000, the person shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(b) If a person is convicted or forfeits bond or bail after being charged with unlawful possession or transportation of a mountain sheep, moose, wild buffalo, caribou, mountain goat, black bear, or grizzly bear or any part of these animals and if the value of all or part of the animal or combination thereof does not exceed \$1,000, the person shall be fined not less than \$500 or more than \$2,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, recreational use, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 30 months from the date of conviction or forfeiture unless the court imposes a longer period.

(c) If a person is convicted or forfeits bond or bail after being charged with unlawful possession or transportation of a deer, antelope, elk, or mountain lion or any part of these animals and if the value of all or part of the animal or combination thereof does not exceed \$1,000, the person shall be fined not less than \$300 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer period.

(d) If a person is convicted or forfeits bond or bail after being charged with unlawful shipping of a mountain sheep, moose, wild buffalo, caribou, mountain goat, black bear, grizzly bear, deer, antelope, elk, or mountain lion or any part of these animals and if the value of all or part of the animal or combination thereof does not exceed \$1,000, the person shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(e) If a person is convicted or forfeits bond or bail after being charged with unlawful possession, shipping, or transportation of a fur-bearing animal or pelt of a fur-bearing animal and if the value of all or part of the animal or combination thereof does not exceed \$1,000, the person shall be fined not less than \$100 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer period, and any pelts possessed unlawfully must be confiscated.

(f) If a person is convicted under this section or forfeits bond or bail after being charged with a violation of this section and if the value of all or part of the game fish, bird, game animal, or fur-bearing animal or combination thereof exceeds \$1,000, the person shall be fined not more than \$50,000 or be imprisoned in the state prison for a term not to exceed 5 years, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping license or permit issued by this state and the privilege to hunt, fish, or trap in this state for not less than 3 years up to a revocation for life from the date of conviction.

(7) A person convicted of unlawful possession of more than double the legal bag limit may be subject to the additional penalties provided in [section 63].

(8) As used in this section:

(a) "lawfully killed, captured, or taken" means killed, captured, or taken in conformance with this title, the regulations adopted by the commission, and the rules adopted by the department

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

under authority of this title; and

(b) "unlawfully killed, captured, or taken" means not lawfully killed, captured, or taken.

(9) A violation of this section may also result in an order to pay restitution pursuant to [sections 67 through 69]."

Insert: "COORDINATION SECTION. Section 124. Coordination instruction. If both House Bill No. 336 and [this act] are passed and approved, then [section 3 of House Bill No. 336], amending 87-3-102, is void and [section 11 of Senate Bill No. 124] reads as follows:

"NEW SECTION. Section 11. Waste of game animal, game bird, or game fish. (1) Except as provided in subsection (3), a person responsible for the death of any game animal, game bird, or game fish suitable for food may not purposely or knowingly waste the game by:

(a) detaching or removing only the head, hide, antlers, tusks, or teeth or any or all of these parts from the carcass of a game animal;

(b) transporting, hanging, or storing the carcass in a manner that renders it unfit for human consumption; or

(c) abandoning the carcass of a game animal or any portion of the carcass suitable for food in the field.

(2) A person in possession of a game animal or game animal parts, a game bird, or a game fish suitable for food may not purposely or knowingly waste the game by:

(a) transporting, storing, or hanging the animal, bird, or fish in a manner that renders it unfit for human consumption; or

(b) disposing of or abandoning any portion of the animal, bird, or fish that is suitable for food.

(3) A person responsible for the death of a mountain lion, except as provided in [section 6], may not abandon the head or hide in the field.

(4) A person responsible for the death of a grizzly bear wastes the game if the person abandons the head or hide or any parts required by department or commission regulation for scientific purposes pursuant to 87-3-110.

(5) For the purposes of this section, the meat of a grizzly bear or a black bear that is found to be infected with trichinosis is not considered to be suitable for food.

(6) A person convicted of a violation of this section may be fined not less than \$50 or more than \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, shall:

(a) forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer period; and

(b) pay restitution pursuant to [section 67 through 69].

(7) A person convicted of waste of game by abandonment in the field may be subject to the additional penalties provided in [section 63]."

Insert: "COORDINATION SECTION. Section 125. Coordination instruction. If both House Bill No. 536 and [this act] are passed and approved, then [section 2 of House Bill No. 536], amending 87-3-118, is void and [section 12 of Senate Bill No. 124] reads as follows:

"NEW SECTION. Section 12. Unlawful sale of game fish, bird, game animal, or fur-bearing animal. (1) A person may not purposely or knowingly sell, purchase, or exchange all or part of any game fish, bird, game animal, or fur-bearing animal.

(2) The value of the game fish, bird, game animal, or fur-

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

bearing animal must be determined from the schedules of restitution values set out in [sections 68 and 69]. The value of game fish, birds, game animals, or fur-bearing animals that are sold, purchased, or exchanged pursuant to a common scheme, as defined in 45-2-101, or as part of the same transaction, as defined in 46-1-202, may be aggregated in determining the value.

(3) This section does not prohibit the:

(a) sale, purchase, or exchange of hides, heads, or mounts of game fish, birds, game animals, or fur-bearing animals that have been lawfully killed, captured, or taken, except that the sale or purchase of a hide, head, or mount of a grizzly bear is prohibited, except as provided by federal law;

(b) sale, purchase, or exchange of naturally shed antlers or the antlers with a skull or portion of a skull attached from a game animal that has died from natural causes and that has not been unlawfully killed, captured, or taken or accidentally killed;

(c) sale, purchase, or exchange of the bones of an elk, antelope, moose, or deer that has died from natural causes and that has not been unlawfully killed, captured, or taken or accidentally killed;

(d) donation, sale, purchase, or exchange of paddlefish roe as caviar under the provisions of 87-4-601; or

(e) sale, purchase, or exchange of captive-reared migratory waterfowl.

(4) If a person is convicted or forfeits bond or bail after being charged with a violation of this section and if the value of all or part of the game fish, bird, game animal, or fur-bearing animal or combination thereof does not exceed \$1,000, then the person shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person may be subject to forfeiture of any current hunting, fishing, or trapping license or permit issued by this state and the privilege to hunt, fish, or trap in this state for a period set by the court.

(5) If a person is convicted or forfeits bond or bail after being charged with a violation of this section and if the value of all or part of the game fish, bird, game animal, or fur-bearing animal or combination thereof exceeds \$1,000, then the person shall be fined not more than \$50,000 or be imprisoned in the state prison for not more than 5 years, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping license or permit issued by this state and the privilege to hunt, fish, or trap in this state for not less than 3 years up to a revocation for life from the date of conviction.

(6) As used in this section:

(a) "lawfully killed, captured, or taken" means killed, captured, or taken in conformance with this title, the regulations adopted by the commission, and the rules adopted by the department under authority of this title; and

(b) "unlawfully killed, captured, or taken" means not lawfully killed, captured, or taken."

Insert: "COORDINATION SECTION. Section 126. Coordination instruction. If both House Bill No. 536 and [this act] are passed and approved, then [section 13 of Senate Bill No. 124] is void."

Insert: "COORDINATION SECTION. Section 127. Coordination instruction. If both Senate Bill No. 135 and [this act] are passed and approved, then [section 1 of Senate Bill No. 135], amending 87-3-124, is void and [section 36 of Senate Bill No. 124] reads as follows:

"NEW SECTION. Section 36. Unlawful use of dog while hunting. (1) Except as provided in subsections (3) through (6), a person may not:

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

(a) chase any game animal or fur-bearing animal with a dog; or

(b) purposely, knowingly, or negligently permit a dog to chase, stalk, pursue, attack, or kill a hooved game animal. If the dog is not under the control of an adult at the time of the violation, the owner of the dog is personally responsible. A defense that the dog was allowed to run at large by another person is not allowable unless it is shown that at the time of the violation, the dog was running at large without the consent of the owner and that the owner took reasonable precautions to prevent the dog from running at large.

(2) Except as provided in subsection (3)(d), a peace officer, game warden, or other person authorized to enforce the Montana fish and game laws who witnesses a dog chasing, stalking, pursuing, attacking, or killing a hooved game animal may destroy that dog on public land or on private land at the request of the landowner without criminal or civil liability.

(3) A person may:

(a) take game birds during the appropriate open season with the aid of a dog;

(b) hunt mountain lions during the winter open season, as established by the commission, with the aid of a dog or dogs;

(c) hunt bobcats during the trapping season, as established by the commission, with the aid of a dog or dogs; and

(d) use trained or controlled dogs to chase or herd away game animals or fur-bearing animals to protect humans, lawns, gardens, livestock, or agricultural products, including growing crops and stored hay and grain. The dog may not be destroyed pursuant to subsection (2).

(4) A resident who possesses a Class D-3 resident hound training license may pursue mountain lions and bobcats with a dog or dogs during a training season from December 2 of each year to April 14 of the following year.

(5) (a) A person with a valid hunting license issued pursuant to Title 87, chapter 2, may use a dog to track a wounded game animal during an appropriate open season. Any person using a dog in this manner:

(i) shall maintain physical control of the dog at all times by means of a maximum 50-foot lead attached to the dog's collar or harness;

(ii) during the general season, whether handling or accompanying the dog, shall wear hunter orange material pursuant to 87-3-302;

(iii) may carry any weapon allowed by law;

(iv) may dispose of the wounded game animal using any weapon allowed by the valid hunting license; and

(v) shall immediately tag an animal that has been reduced to possession in accordance with 87-2-509.

(b) Dog handlers tracking a wounded game animal with a dog are exempt from licensing requirements under Title 87, chapter 2, as long as they are accompanied by the licensed hunter who wounded the game animal

(6) Any person or association organized for the protection of game may run field trials at any time upon obtaining written permission from the director.

(7) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

(8) A violation of this section may also result in an order to pay restitution pursuant to [sections 67 through 69].""

Insert: "COORDINATION SECTION. Section 128. Coordination instruction. If both House Bill No. 336 and [this act] are passed and approved, then [section 4 of House Bill No. 336], amending 87-3-506, is void and [section 48 of Senate Bill No. 124] reads as follows:

"NEW SECTION. Section 48. Waste of fur-bearing animal. (1) A person may not waste a fur-bearing animal by purposely or knowingly:

(a) failing to pick up traps or snares at the end of the trapping season so that the pelt of a fur-bearing animal is wasted;

(b) attending traps or snares so that fur-bearing animals are wasted; or

(c) wasting the pelt of any fur-bearing animal.

(2) The department shall enforce the provisions of this section.

(3) The following are exempt from this section:

(a) federal, state, and county predator control programs; and

(b) pelts of muskrat and beaver killed pursuant to [section 47(2)].

(4) As used in this section, "pelt" means the pelt, skin, or fur of a fur-bearing animal.

(5) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, a person, upon conviction or forfeiture of bond or bail, shall:

(a) forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer period; and

(b) pay restitution pursuant to [section 67 and 68].""

Insert: "COORDINATION SECTION. Section 129. Coordination instruction. If both House Bill No. 336 and [this act] are passed and approved, then [section 1 of House Bill No. 336], amending 87-1-111, is void and [section 68 of Senate Bill No. 124] reads as follows:

"NEW SECTION. Section 68. Restitution for illegal killing, possession, or waste of certain wildlife. (1) Except as provided in [section 69] and in addition to other penalties provided by law, a person convicted or forfeiting bond or bail on a charge of the illegal taking, killing, possession, or waste of a wild bird, mammal, or fish listed in this section shall reimburse the state for each bird, mammal, or fish according to the following schedule:

(a) mountain sheep and endangered species, \$2,000;

(b) elk, caribou, bald eagle, black bear, wolf, and moose, \$1,000;

(c) mountain lion, lynx, wolverine, buffalo, golden eagle, osprey, falcon, antlered deer as defined by commission regulation, bull trout longer than 18 inches, and adult buck antelope as defined by commission regulation, \$500;

(d) deer not included in subsection (1)(c), antelope not included in subsection (1)(c), fisher, raptor not included in subsection (1)(c), swan, bobcat, white sturgeon, river-dwelling grayling, and paddlefish, \$300;

(e) fur-bearing animals that are not listed in subsection (1)(c) or (1)(d), \$100;

(f) game bird (except swan), \$25;

(g) game fish, \$10.

(2) When a court enters an order declaring bond or bail to be forfeited, the court may also order that some or all of the forfeited bond or bail be paid as restitution to the state according to the schedule in subsection (1). A hearing to determine the amount of restitution, as required under

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

46-9-512, is not required for an order of restitution under this section.""

Insert: "COORDINATION SECTION. Section 130. Coordination instruction. If both House Bill No. 336 and [this act] are passed and approved, then [section 2 of House Bill No. 336], amending 87-1-115, is void and [section 69 of Senate Bill No. 124] reads as follows:

"NEW SECTION. Section 69. Restitution for illegal killing, possession, or waste of trophy wildlife. In addition to other penalties provided by law, a person convicted or forfeiting bond or bail on a charge of purposely or knowingly illegally killing, taking, possessing, or wasting a trophy animal listed in this section shall reimburse the state for each trophy animal according to the following schedule:

(1) mountain sheep with at least one horn equal to or greater than a three-fourth curl as defined by commission regulation, \$30,000;

(2) elk with at least six points on one antler, as defined by commission regulation, or any grizzly bear, \$8,000;

(3) moose having antlers with a total spread of at least 30 inches, as defined by commission regulation, or any mountain goat, \$6,000;

(4) antlered deer with at least four points on one antler as defined by commission regulation, \$8,000;

(5) antelope with at least one horn greater than 14 inches in length as defined by commission regulation, \$2,000.""

Insert: "NEW SECTION. Section 131. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

SB 212, be amended as follows:

1. Page 2.

Following: line 9

Insert: "(4) The department may not release, transplant, or allow wild buffalo or bison on any private or public land in Montana that has not been authorized for that use by the private or public owner."

Renumber: subsequent subsections

2. Page 2, line 10.

Strike: "THE"

Insert: "Subject to subsection (4), the"

3. Page 2, line 17.

Strike: "(4)(D)"

Insert: "(5)(d)"

4. Page 2, line 18.

Strike: "MULTIPLE"

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

5. Page 2, line 19.

Strike: "EXISTING"

Insert: "state or federal"

6. Page 2, line 23.

Following: "authorized"

Insert: "by the private or public owner"

7. Page 2, line 24.

Strike: "remove or"

8. Page 2, line 25.

Following: "authorized"

Insert: "by the private or public owner"

9. Page 2, line 26.

Following: "CONSTRUCT"

Insert: "more"

10. Page 2, line 28.

Strike: "A RELOCATION SITE"

Insert: "designated areas"

11. Page 2, line 29.

Strike: "REMOVAL OR"

Following: "OF"

Insert: "wild buffalo or"

12. Page 2, line 30.

Following: "THE"

Insert: "wild buffalo or"

13. Page 3, line 3.

Strike: "RELOCATION"

Insert: "designated"

14. Page 3, line 4.

Following: "PRINCIPLES"

Insert: ", including but not limited to forage-based carrying capacity,"

15. Page 3, line 6.

Strike: "RELOCATION SITE"

Insert: "designated area"

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

16. Page 3, line 7.

Strike: "(4)"

Insert: "(5)"

17. Page 3, line 14.

Strike: "(4)"

Insert: "(5)"

And, as amended, be concurred in. Report adopted.

TRANSPORTATION (Vance, Chairman):

3/25/2011

SB 81, be concurred in. Report adopted.

SB 111, be concurred in. Report adopted.

SB 278, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bill not concurred in and returned to the House:

3/25/2011

HB 237, introduced by Menahan

Senate bills passed and transmitted to the House for concurrence:

3/25/2011

SB 295, introduced by Lake

SB 328, introduced by Lewis

SB 402, introduced by Balyeat

Senate joint resolution passed and transmitted to the House for concurrence:

3/25/2011

SJR 17, introduced by Tutvedt

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/25/2011

HB 43, introduced by MacLaren

HB 336, introduced by Menahan

HB 352, introduced by Osmundson

House bills concurred in and returned to the House:

3/25/2011

HB 77, introduced by Pease-Lopez

HB 90, introduced by McNutt

HB 116, introduced by Ingraham

HB 134, introduced by Squires

HB 225, introduced by Welborn

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

HB 255, introduced by Wilmer
HB 256, introduced by Wilmer
HB 315, introduced by MacDonald
HB 528, introduced by F. Smith

House joint resolution concurred in and returned to the House:

3/25/2011

HJR 19, introduced by Furey

MESSAGES FROM THE GOVERNOR

March 25, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 23** sponsored by Representative Furey, **House Bill 53** sponsored by Representative Klock, **House Bill 62** sponsored by Representative MacLaren, **House Bill 78** sponsored by Representative Cook, **House Bill 79** sponsored by Representative Evans, **House Bill 81** sponsored by Representative Roberts, **House Bill 86** sponsored by Representative Wilmer, **House Bill 92** sponsored by Representative Knudsen, **House Bill 93** sponsored by Representative Furey, **House Bill 98** sponsored by Representative Welborn, **House Bill 118** sponsored by Representative Hunter, **House Bill 119** sponsored by Representative Hendrick, **House Bill 120** sponsored by Representative McGillvray, **House Bill 127** sponsored by Representative Noonan, **House Bill 169** sponsored by Representative Klock, **House Bill 176** sponsored by Representative Kary et al., **House Bill 233** sponsored by Representative O'Hara, **House Bill 252** sponsored by Representative Hoven, **House Bill 287** sponsored by Representative Clark, **House Bill 356** sponsored by Representative Hiner, **House Bill 367** sponsored by Representative MacLaren et al., **House Bill 399** sponsored by Representative Arntzen, and **House Bill 419** sponsored by Representative Beck et al., on March 25, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 295, introduced by Lake, Tutvedt, referred to Taxation.

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

SB 328, introduced by Lewis, referred to State Administration.

SB 402, introduced by Balyeat, Hamlett, Hinkle, Mowbray, Facey, Taylor, Zinke, Ripley, Olson, Arthun, Moore, Murphy, Steinbeisser, Shockley, Jackson, Lewis, Hutton, Brown, De. Barrett, Gallus, Jent, Brenden, Walker, Yates, Vance, Sonju, Skees, Flynn, Knudsen, Blasdel, Jones, referred to Fish, Wildlife and Parks.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 17, introduced by Tutvedt, referred to Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hale in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 445 - Representative C. Smith moved **HB 445** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 463 - Representative Reichner moved **HB 463** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl,

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 477 - Representative Hollandsworth moved **HB 477** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Edmunds, Hendrick, Kerns, Knox, McClafferty, More, Skattum.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

HB 363 - Representative Cuffe moved **HB 363** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 560 - Representative Arntzen moved **HB 560** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Small, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.

Total 54

Nays: Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Court, Driscoll, Edmunds, Flynn, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer, Yates.

Total 45

Excused: None.

Total 0

Absent or not voting: Cuffe.

Total 1

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

HB 577 - Representative Stahl moved **HB 577** do pass. Motion carried as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 61

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Edmunds, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 561 - Representative Arntzen moved **HB 561** do pass. Motion carried as follows:

Representative Hands rose on a point of personal privilege to ask the chair not to continue asking them to be brief because they had not created the agenda, the speaker's office did, and it is important for the members to speak on these important issues in their districts. She stated that they had the right to speak on the bill and that they should not continue to be asked to be brief when she believed they were already doing so.

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, McGillvray, McNiven, McNutt, Miller, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 57

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Flynn, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 43

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hale moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hill, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 69

Nays: Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Wilmer.

Total 26

Excused: Hansen, Kerns, Swanson.

Total 3

Absent or not voting: Reichner, Stahl.

Total 2

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hale in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 598 - Representative Knudsen moved **HB 598** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns,

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer, Yates.

Total 34

Excused: None.

Total 0

Absent or not voting: Small.

Total 1

HB 562 - Representative Arntzen moved **HB 562** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 70

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Lavin, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Squires, Swanson, Yates.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 495 - Representative Cook moved **HB 495** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans,

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Kerns, Klock, Knox, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Read, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Taylor, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 80

Nays: Barrett, Belcourt, G. Bennett, Furey, Hands, Harris, Ingraham, Kennedy, Knudsen, Lavin, Pease-Lopez, Randall, Regier, Reinhart, C. Smith, Stahl, Swanson, Vance, Warburton.
Total 19

Excused: None.
Total 0

Absent or not voting: Mehlhoff.
Total 1

HB 175 - Representative Regier moved **HB 175** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 71

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.
Total 28

Excused: None.
Total 0

Absent or not voting: Miller.
Total 1

HB 609 - Representative MacLaren moved **HB 609** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary,

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

Chairman Hale moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 69

Nays: Belcourt, B. Bennett, Boland, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Wilmer.

Total 25

Excused: Hansen, Kerns, Swanson.

Total 3

Absent or not voting: Court, Hale, Phillips.

Total 3

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 83 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

Nays: G. Bennett, Edmunds, Kennedy, Knudsen, Miller, O'Neil, Randall, Skattum, C. Smith, Wagner.

Total 10

Excused: Hansen, Kerns, Swanson.

Total 3

Absent or not voting: None.

Total 0

HB 358 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 75

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Hands, Hill, Hiner, MacDonald, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Reinhart, Sands, Sesso, Squires, Williams, Wilmer.

Total 22

Excused: Hansen, Kerns, Swanson.

Total 3

Absent or not voting: None.

Total 0

HB 165 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Wilmer.

Total 30

Excused: Hansen, Kerns, Swanson.

Total 3

Absent or not voting: None.

Total 0

HB 183 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.
Total 31

Excused: Hansen, Kerns, Swanson.
Total 3

Absent or not voting: None.
Total 0

HB 184 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.
Total 30

Excused: Hansen, Kerns, Swanson.
Total 3

Absent or not voting: None.
Total 0

HB 186 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 62

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Fitzpatrick, Flynn, Greef, Hale, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Knox, Knudsen, Lavin, McGillvray, Miller, More, O'Neil, Randall, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 35

Excused: Hansen, Kerns, Swanson.

Total 3

Absent or not voting: None.

Total 0

HB 316 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Small, C. Smith, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Mr. Speaker.

Total 55

Nays: Barrett, B. Beck, Belcourt, B. Bennett, Boland, Brodehl, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Knox, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Stahl, Wagner, Wilmer, Yates.

Total 42

Excused: Hansen, Kerns, Swanson.

Total 3

Absent or not voting: None.

Total 0

HB 357 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Williams, Wilmer.
Total 29

Excused: Hansen, Kerns, Swanson.
Total 3

Absent or not voting: None.
Total 0

House Recessed.
House Reconvened.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hale in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 604 - Representative Cook moved **HB 604** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.
Total 34

Excused: None.
Total 0

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

Absent or not voting: Arntzen, Taylor.

Total 2

HB 610 - Representative Cook moved **HB 610** do pass.

HB 610 - Representative Cook moved **HB 610**, second reading copy, be amended as follows:

1. Page 6, line 26.

Strike: "\$71"

Insert: "\$54"

2. Page 6, line 27.

Strike: "26"

Insert: "25"

3. Page 7, line 9.

Strike: "55%"

Insert: "45%"

4. Page 7, line 22.

Strike: "55%"

Insert: "45%"

5. Page 8, line 3.

Strike: "40%"

Insert: "34%"

6. Page 8, line 11.

Strike: "55%"

Insert: "45%"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

Nays: Mehlhoff, Rosendale, Squires.

Total 3

Excused: Kerns.

Total 1

Absent or not voting: None.

Total 0

HB 610 - Representative Cook moved **HB 610**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Greef, Hale, Hansen, Harris, Hollandsworth, Hollenbaugh, Hoven, Howard, Kennedy, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Skees, Small, Stahl, Taylor, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 55

Nays: Belcourt, B. Bennett, Blyton, Boland, Court, Flynn, Gibson, Hands, Hendrick, Hill, Hiner, Hunter, Ingraham, Kary, Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Randall, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, C. Smith, F. Smith, Squires, Swanson, Vance, Williams, Wilmer, Yates.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 612 - Representative Roberts moved **HB 612** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Gibson, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 61

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Flynn, Furey, Greef, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Kennedy, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 37

Excused: None.
Total 0

Absent or not voting: Kary, Skees.
Total 2

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hale moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Yates, Mr. Speaker.
Total 70

Nays: Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, Hollenbaugh, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Warburton, Wilmer.
Total 26

Excused: Hansen, Kerns, Swanson.
Total 3

Absent or not voting: Harris.
Total 1

Representative Schmidt rose on a point of personal privilege in regard to HB 612 to state that it does contain information about the Tobacco Prevention Program.

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 643, introduced by Read, Blyton, F. Smith, Skattum, C. Smith, Jackson, referred to Business and Labor.

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

MOTIONS

Representative McGillvray moved **HB 598** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 397** be moved from the Committee of the Whole to the Appropriations committee.

Representative McGillvray moved **HB 616** be moved from the Committee of the Whole committee to the Appropriations committee.

Representative McGillvray moved **HB 630** be moved from the Taxation committee to the Appropriations committee.

Representative Menahan moved that **HB 14** be taken from Appropriations and brought before the Committee of the Whole.

Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Boland, Brodehl, Clark, Court, Driscoll, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Furey, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Taylor, Wagner, Williams, Wilmer, Yates.
Total 71

Nays: Ankney, Belcourt, G. Bennett, Blasdel, Blyton, Burnett, Cook, Cuffe, Ehli, Gibson, Hale, Hollandsworth, Kennedy, Klock, Knox, Knudsen, Osmundson, Randall, Small, Stahl, Vance, Warburton, Washburn, Welborn, Mr. Speaker.
Total 25

Excused: Hansen, Kerns, Swanson.
Total 3

Absent or not voting: Connell.
Total 1

HOUSE JOURNAL
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Monday, March 28, 2011. Motion carried.

House adjourned at 11:45 a.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SIXTY-NINTH LEGISLATIVE DAY**

Helena, Montana
March 28, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative McGillvray. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Boland, excused. Quorum present.

BILLS (O'Hara, Chairman):

3/28/2011

Correctly printed: **HB 240, SB 89, SB 306, SB 385, SJR 7, SJR 10, SJR 11.**

Correctly engrossed: **HB 14, HB 603, HB 629, HB 631, HB 633, HB 636, SB 97, SB 347.**

Correctly enrolled: **HB 49, HB 77, HB 90, HB 116, HB 131, HB 134, HB 225, HB 255, HB 256, HB 315, HB 342, HB 528, HJR 19.**

Examined by the sponsor and found to be correct: **HB 49, HB 77, HB 90, HB 110, HB 116, HB 131, HB 134, HB 225, HB 255, HB 256, HB 315, HB 342, HB 528, HJR 19.**

Delivered to the Governor for approval at 4:35 p.m., March 28, 2011: **HB 255.**

Delivered to the Governor for approval at 8:30 a.m., March 28, 2011: **HB 25, HB 80, HB 82, HB 117, HB 142, HB 171, HB 212, HB 229, HB 250, HB 298, HB 319, HB 324, HB 333, HB 337, HB 338, HB 401, HB 403, HB 422, HB 428, HB 432, HB 449, HB 467, HB 481, HB 517, HB 523, HB 531, HB 559, HB 568.**

Delivered to the Secretary of State at 8:34 a.m., March 28, 2011: **HJR 17.**

Signed by the Speaker at 2:47 p.m., March 28, 2011: **HB 255.**

Signed by the Chief Clerk of the House at 2:45 p.m., March 28, 2011: **HB 255.**

Representative Brodehl introduced Steve Stafford from Kalispell who entertained the House with music.

Representative C. Smith introduced the pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman):

3/28/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 12:00 p.m., Saturday, March 26, 2011:

TITLE

NAME

Pages:

Levi Burlison, White Sulphur Springs
Elise Preble, Somers
Heidi Heiland, Hamilton
Colt Sales, Bozeman
Kenneth Taylor, Cut Bank
Kyndall Miller, Laurel
Ariel Simon, Helena
Matthew Warburton, Chinook

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, March 28, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Brittany Bangerter, Helena Isaac Reichner, Big Fork Scotty Keller, Kalispell Emily Eicholtz, Helena Hailey Duffin, Miles City Jessica Riffel, Carter Zach Johnson, Helena Hunter Feiss, Helena

Report Adopted.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman): 3/28/2011
HB 240, do pass. Report adopted.
HB 603, introduced bill, be amended as follows:

1. Title, page 1, line 13 through line 14.
Strike: "PROVIDING" on line 13 through "COSTS;" on line 14

2. Page 5, line 22.
Following: "and"
Insert: "hire"

3. Page 39, line 17 through line 20.
Strike: section 25 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

EDUCATION (Reichner, Chairman): 3/25/2011
SB 385, be concurred in. Report adopted.
SJR 11, be concurred in. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman): 3/26/2011
HB 629, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "OF"
Strike: "MORE THAN THREE"
Insert: "CERTAIN"

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

2. Title, page 1, line 8.

Following: "REQUIREMENTS;"

Insert: "ALLOWING A GOVERNING BODY TO EXEMPT CERTAIN BUILDINGS OR STRUCTURES FROM SUBDIVISION REVIEW; ALLOWING A GOVERNING BODY TO REVIEW CERTAIN BUILDINGS OR STRUCTURES IN THE SAME MANNER AS MAJOR SUBDIVISIONS;"

3. Title, page 1, line 9.

Strike: "76-3-608,"

4. Title, page 1, line 10.

Following: "the first "MCA;"

Insert: "AND"

Strike: "; AND" through "DATE"

5. Page 1, line 23.

Following: "(1)"

Strike: "The"

Insert: "Except as provided in subsection (2), the"

6. Page 1, line 25.

Strike: "76-2-204"

Insert: "76-3-204"

Following: "reviewed"

Insert: "in the same manner as a first minor subdivision"

Strike: "this section"

Insert: "76-3-609"

7. Page 1, line 26 through page 2, line 16.

Strike: "(2)" on page 1, line 26 through "76-3-609." on page 2, line 16

Insert: "(2) A governing body may review subdivisions for the rent or lease of six or more buildings or structures in the same manner as provided for major subdivisions."

Renumber: subsequent subsections

8. Page 3, line 24.

Following: "structures."

Insert: "(1)"

9. Page 3, line 29.

Strike: "(1)"

Insert: "(a)"

10. Page 4, line 1.

Strike: "(2)"

Insert: "(b) except as provided in subsection (4),"

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

11. Page 4, line 2.

Strike: "(a)"

Insert: "(i)"

12. Page 4, line 4.

Following: "lots;"

Insert: "or"

13. Page 4, line 5.

Strike: "(b)"

Insert: "(ii)(A)"

Strike: "single dwelling structures"

Insert: "buildings or structures designed for use as dwellings or places of business"

14. Page 4, line 6.

Following: "residence;"

Insert: "or"

15. Page 4, line 7 through line 10.

Strike: "(c)"

Insert: "(B)"

Strike: "or" on line 7 through "operation" on line 10

Following: line 10

Insert: "(2) For purposes of this section, "dwelling" means a habitable residential structure, including a mobile home or recreational vehicle, and does not include a place of business.

(3)(a) Exemptions for a dwelling or place of business as provided in this section must be counted as follows:

(i) a single dwelling or place of business must be counted as one exemption;

(ii) a duplex, whether a dwelling or a place of business, must be counted as two exemptions;

(iii) a triplex, whether a dwelling or a place of business, must be counted as three exemptions; and

(iv) any buildings or structures that contain more than three dwellings, places of business, or dwellings and places of business in combination must be reviewed pursuant to [section 1].

(b) An exemption for a tract of record may be used only once and runs with the land independent of further divisions of or use of exemptions for the tract.

(4) A governing body may adopt regulations exempting more than three buildings or structures in addition to the parcel owner's primary residence from the requirements of this chapter."

16. Page 8, line 3.

Following: line 2

Insert: "(4) A governing body that adopts subdivision regulations exempting more than three buildings or structures as provided in 76-3-204 shall state the number of buildings or structures exempted from review."

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

17. Page 9, line 3 through page 10, line 12.

Strike: section 8 in its entirety

Renumber: subsequent sections

18. Page 15, line 25.

Strike: section 15 in its entirety

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Hendrick, Chairman):

3/25/2011

SB 89, be concurred in. Report adopted.

SB 306, be concurred in. Report adopted.

SJR 7, be concurred in. Report adopted.

SJR 10, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

3/26/2011

SB 129, introduced by Lewis

SB 253, introduced by Lake

SB 319, introduced by Essmann

SB 322, introduced by Balyeat

SB 371, introduced by Lewis

SB 372, introduced by Tutvedt

SB 409, introduced by Tutvedt

House bills concurred in and returned to the House:

3/26/2011

HB 131, introduced by Menahan

HB 342, introduced by C. Smith

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/26/2011

HB 166, introduced by Esp

HB 271, introduced by Kerns

HB 277, introduced by Washburn

HB 291, introduced by Sesso

HB 538, introduced by K. Peterson

HB 542, introduced by Esp

HB 575, introduced by Hansen

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 129, introduced by Lewis, referred to Appropriations.

SB 253, introduced by Lake, referred to Taxation.

SB 319, introduced by Essmann, referred to Transportation.

SB 322, introduced by Balyeat, C. Smith, Zinke, Brodehl, Warburton, Blasdel, Shockley, Kerns, O'Neil, Knox, Vance, Ankney, Ripley, Steinbeisser, Jones, Jackson, Brenden, G. Bennett, referred to Judiciary.

SB 371, introduced by Lewis, Hinkle, referred to Taxation.

SB 372, introduced by Tutvedt, referred to Taxation.

SB 409, introduced by Tutvedt, Hamlett and Mowbray, referred to Natural Resources.

Representative McGillvray moved that the House Republicans caucus. Motion carried.

Representative Sesso moved that the House Democrats caucus. Motion carried.

House Recessed.

House Reconvened.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Yates in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 631 - Representative Menahan moved **HB 631** do pass.

HB 631 - Representative Menahan moved **HB 631**, second reading copy, be amended as follows:

1. Page 17.

Following: line 12

Insert: "(iv) For purposes of this subsection (3)(d), a person who is self-employed is considered to be an employer."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hill, Hiner,

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Hale, Hands.

Total 2

Excused: Boland.

Total 1

Absent or not voting: None.

Total 0

HB 632 - Representative McGillvray moved consideration of **HB 632** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 631 - Representative Menahan moved **HB 631**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

Nays: Belcourt, Hale, Kary, Kennedy, Kerns, Klock, Knox, Miller, More, O'Neil, Skattum, Skees, Wagner, Welborn.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

HB 622 - Representative Ankney moved **HB 622** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Edmunds, Kennedy, McNiven, Regier, Skees, Stahl.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 633 - Representative Esp moved **HB 633** do pass.

HB 633 - Representative Esp moved **HB 633**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

Following: "PROCEEDS;"

Insert: "REVISING THE DEFINITION OF "BASE BUDGET" TO INCLUDE CERTAIN APPROPRIATIONS FOR THE HEALTHY MONTANA KIDS PLAN;"

2. Title, page 1, line 7.

Following: "17-6-606"

Insert: ", 17-7-102,"

3. Title, page 1, line 8.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

4. Page 3, line 16.

Insert: "**Section 2.** Section 17-7-102, MCA, is amended to read:

"17-7-102. (Temporary) Definitions. As used in this chapter, the following definitions apply:

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

- (1) "Additional services" means different services or more of the same services.
- (2) "Agency" means all offices, departments, boards, commissions, institutions, universities, colleges, and any other person or any other administrative unit of state government that spends or encumbers public money by virtue of an appropriation from the legislature under 17-8-101.
- (3) "Approving authority" means:
 - (a) the governor or the governor's designated representative for executive branch agencies;
 - (b) the chief justice of the supreme court or the chief justice's designated representative for judicial branch agencies;
 - (c) the speaker for the house of representatives;
 - (d) the president for the senate;
 - (e) appropriate legislative committees or a designated representative for legislative branch agencies; or
 - (f) the board of regents of higher education or its designated representative for the university system.
- (4) (a) "Base budget" means the resources for the operation of state government that are of an ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and state special revenue funds may not exceed that level of funding authorized by the previous legislature. For the biennium beginning July 1, 2011, the term includes items specified in section 85, Chapter 489, Laws of 2009.
 - (b) The term does not include funding for water adjudication if the accountability benchmarks contained in 85-2-271 are not met.
- (5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part 4.
- (6) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.
- (7) "Funds subject to appropriation" means those funds required to be paid out of the treasury as set forth in 17-8-101.
- (8) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.
- (9) "New proposals" means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal.
- (10) (a) "Present law base" means, subject to subsection (10)(b), that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to:
 - (i) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

(ii) changes in funding requirements resulting from constitutional or statutory schedules or formulas;

(iii) inflationary or deflationary adjustments;

(iv) elimination of nonrecurring appropriations; and

(v) items specified in section 85, Chapter 489, Laws of 2009.

(b) For the budget for the 2011 legislative session, present law base must be adjusted by reducing general fund budgets by the equivalent of that portion of the 2% across-the-board reduction assessed by the 61st legislature on selected agencies that was allocated by those agencies to personal services in the 2011 biennium. The director of the governor's office of budget and program planning and the legislative fiscal analyst shall agree on a mechanism for determining how agencies have allocated this reduction.

(11) "Program" means a principal organizational or budgetary unit within an agency.

(12) "Requesting agency" means the agency of state government that has requested a specific budget amendment.

(13) "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community colleges at Miles City, Glendive, and Kalispell. (Terminates June 30, 2011--sec. 35(1), Ch. 486, L. 2009; sec. 82, Ch. 489, L. 2009.)

17-7-102. (Effective July 1, 2011) Definitions. As used in this chapter, the following definitions apply:

(1) "Additional services" means different services or more of the same services.

(2) "Agency" means all offices, departments, boards, commissions, institutions, universities, colleges, and any other person or any other administrative unit of state government that spends or encumbers public money by virtue of an appropriation from the legislature under 17-8-101.

(3) "Approving authority" means:

(a) the governor or the governor's designated representative for executive branch agencies;

(b) the chief justice of the supreme court or the chief justice's designated representative for judicial branch agencies;

(c) the speaker for the house of representatives;

(d) the president for the senate;

(e) appropriate legislative committees or a designated representative for legislative branch agencies; or

(f) the board of regents of higher education or its designated representative for the university system.

(4) (a) "Base budget" means the resources for the operation of state government that are of an ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and state special revenue funds may not exceed that level of funding authorized by the previous legislature. For the biennium beginning July 1, 2013, the base budget for the health resources division in the department of public health and human services

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

may also include funding appropriated in [section 4] during the 2013 biennium for the healthy Montana kids plan.

(b) The term does not include funding for water adjudication if the accountability benchmarks contained in 85-2-271 are not met.

(5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part 4.

(6) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.

(7) "Funds subject to appropriation" means those funds required to be paid out of the treasury as set forth in 17-8-101.

(8) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.

(9) "New proposals" means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal.

(10) "Present law base" means that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to:

(a) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;

(b) changes in funding requirements resulting from constitutional or statutory schedules or formulas;

(c) inflationary or deflationary adjustments; and

(d) elimination of nonrecurring appropriations.

(11) "Program" means a principal organizational or budgetary unit within an agency.

(12) "Requesting agency" means the agency of state government that has requested a specific budget amendment.

(13) "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community colleges at Miles City, Glendive, and Kalispell. (Terminates June 30, 2020--sec. 11, Ch. 319, L. 2007.)

17-7-102. (Effective July 1, 2020) Definitions. As used in this chapter, the following definitions apply:

(1) "Additional services" means different services or more of the same services.

(2) "Agency" means all offices, departments, boards, commissions, institutions,

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

universities, colleges, and any other person or any other administrative unit of state government that spends or encumbers public money by virtue of an appropriation from the legislature under 17-8-101.

(3) "Approving authority" means:

(a) the governor or the governor's designated representative for executive branch agencies;

(b) the chief justice of the supreme court or the chief justice's designated representative for judicial branch agencies;

(c) the speaker for the house of representatives;

(d) the president for the senate;

(e) appropriate legislative committees or a designated representative for legislative branch agencies; or

(f) the board of regents of higher education or its designated representative for the university system.

(4) "Base budget" means the resources for the operation of state government that are of an ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and state special revenue funds may not exceed that level of funding authorized by the previous legislature.

(5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part 4.

(6) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.

(7) "Funds subject to appropriation" means those funds required to be paid out of the treasury as set forth in 17-8-101.

(8) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.

(9) "New proposals" means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal.

(10) "Present law base" means that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to:

(a) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;

(b) changes in funding requirements resulting from constitutional or statutory schedules or formulas;

(c) inflationary or deflationary adjustments; and

(d) elimination of nonrecurring appropriations.

(11) "Program" means a principal organizational or budgetary unit within an agency.

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

(12) "Requesting agency" means the agency of state government that has requested a specific budget amendment.

(13) "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community colleges at Miles City, Glendive, and Kalispell.""

Renumber: subsequent sections

5. Page 7, line 9.

Following: line 8

Insert: "NEW SECTION. Section 7. Termination. [Section 2(4)(a)] terminates June 30, 2013."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Boland, Kary.

Total 2

Absent or not voting: None.

Total 0

HB 633 - Representative Esp moved **HB 633**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Lavin, Loney,

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 57

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 2 - Representative Hollandsworth moved **HJR 2** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 81

Nays: Blyton, Hale, Hansen, Hendrick, Kennedy, Kerns, Knox, Knudsen, McNiven, Mehlhoff, Miller, O'Neil, Randall, Skattum, Skees, C. Smith, Taylor, Vance, Wagner.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 607 - Representative Welborn moved **HB 607** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner,

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 87

Nays: G. Bennett, Hale, Hendrick, Ingraham, Kennedy, Kerns, Knox, McClafferty, Mehlhoff, More, Skees, Wagner, Yates.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 638 - Representative Howard moved **HB 638** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 63

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 14 - Representative Menahan moved **HB 14** do pass.

HB 14 - Representative Gibson moved **HB 14**, second reading copy, be amended as follows:

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

1. Title, line 6.

Following: "OFFENSES;"

Insert: "EXTENDING OR"

2. Title, line 9.

Following: "CONVICTIONS"

Insert: "ON THIRD AND SUBSEQUENT OFFENSES"

3. Page 1, line 28.

Following: "offense"

Insert: "within the time period specified in 61-8-734"

4. Page 3, line 5.

Following: line 4

Insert: "(b) An offender is considered to have been previously convicted for the purposes of sentencing if less than 10 years have elapsed between the commission of the present offense and a previous conviction unless the offense is the offender's third or subsequent offense, in which case all previous convictions must be used for sentencing purposes."

5. Page 3, line 5.

Strike: "(b)"

Insert: "(c)"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Lavin, MacDonald, MacLaren, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Burnett, Hansen, Hendrick, Knudsen, Loney, McGillvray, Read, Regier, Vance.

Total 9

Excused: Boland, Kary.

Total 2

Absent or not voting: Malek.

Total 1

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

HB 14 - Representative Menahan moved **HB 14**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt,

Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Belcourt, Cuffe, Hale, Kerns, Klock, Knox, Knudsen, Miller, Osmundson, Small, Vance, Welborn.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Yates moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Hale, Klock, MacDonald, Pease-Lopez.

Total 4

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

Excused: Boland, Kary.

Total 2

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 175 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 29

Excused: Boland, Kary.

Total 2

Absent or not voting: Evans.

Total 1

HB 363 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn,

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Boland, Kary.

Total 2

Absent or not voting: None.

Total 0

HB 445 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 64

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: Boland, Kary.

Total 2

Absent or not voting: Evans.

Total 1

HB 463 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

Nays: Barrett, Belcourt, B. Bennett, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: Boland, Kary.

Total 2

Absent or not voting: Evans.

Total 1

HB 477 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: G. Bennett, Blasdel, Edmunds, Hale, Hendrick, Kennedy, Kerns, Klock, Knox, More, Skattum, Skees, C. Smith, Wagner.

Total 14

Excused: Boland, Evans, Kary.

Total 3

Absent or not voting: None.

Total 0

HB 495 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Knox, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Read, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Stahl, Taylor, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 69

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

Nays: Barrett, B. Beck, Belcourt, B. Bennett, Furey, Hale, Hands, Hill, Ingraham, Kennedy, Kerns, Knudsen, Lavin, MacDonald, Malek, McClafferty, Noonan, Pease-Lopez, Randall, Regier, Reinhart, C. Smith, Squires, Swanson, Vance, Wagner, Warburton, Williams.
Total 28

Excused: Boland, Evans, Kary.
Total 3

Absent or not voting: None.
Total 0

HB 560 passed as follows:

Yeas: Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Mr. Speaker.
Total 57

Nays: Ankney, Barrett, Belcourt, B. Bennett, G. Bennett, Court, Edmunds, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Loney, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer, Yates.
Total 40

Excused: Boland, Evans, Kary.
Total 3

Absent or not voting: None.
Total 0

HB 561 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Mr. Speaker.
Total 57

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, MacDonald, MacLaren, Malek, McChesney, McClafferty,

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer, Yates.

Total 40

Excused: Boland, Evans, Kary.

Total 3

Absent or not voting: None.

Total 0

HB 562 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Mr. Speaker.

Total 64

Nays: Barrett, Belcourt, B. Bennett, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Lavin, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer, Yates.

Total 33

Excused: Boland, Evans, Kary.

Total 3

Absent or not voting: None.

Total 0

HB 577 passed as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 57

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Court, Driscoll, Edmunds, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 40

Excused: Boland, Evans, Kary.

Total 3

Absent or not voting: None.

Total 0

HB 604 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Small, C. Smith, Stahl, Taylor, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 59

Nays: Barrett, Belcourt, B. Bennett, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Swanson, Vance, Welborn, Williams, Wilmer.

Total 37

Excused: Boland, Evans, Kary.

Total 3

Absent or not voting: Berry.

Total 1

HB 609 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

Nays: Barrett, Belcourt, B. Bennett, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: Boland, Evans, Kary.

Total 3

Absent or not voting: None.

Total 0

HB 610 failed as follows:

Yeas: Ankney, Arntzen, Bangerter, Berry, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Furey, Hansen, Harris, Hollandsworth, Hollenbaugh, Hoven, Howard, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, O'Hara, Osmundson, Read, Reichner, Roberts, Salomon, Small, Stahl, Wagner, Warburton, Washburn, Mr. Speaker.

Total 37

Nays: Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Connell, Court, Driscoll, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hendrick, Hill, Hiner, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Welborn, Williams, Wilmer, Yates.

Total 60

Excused: Boland, Evans, Kary.

Total 3

Absent or not voting: None.

Total 0

HB 612 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Small, C. Smith, Stahl, Taylor, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 58

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

Nays: Barrett, Belcourt, B. Bennett, Court, Driscoll, Furey, Greef, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Swanson, Vance, Williams, Wilmer.

Total 39

Excused: Boland, Evans, Kary.

Total 3

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Yates in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 518 - Representative Hunter moved **HB 518** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: Blasdel, Blyton, Brodehl, Flynn, Hale, Hendrick, Kennedy, Kerns, Knox, Lavin, Regier, Skattum, Skees, C. Smith, Vance, Washburn.

Total 16

Excused: None.

Total 0

Absent or not voting: Cuffe.

Total 1

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

HB 618 - Representative Pease-Lopez moved **HB 618** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: B. Beck, G. Bennett, Hale, McNiven, Osmundson, Regier.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 614 - Representative Miller moved **HB 614** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Sands, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 69

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Furey, Gibson, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Osmundson, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Schmidt, Sesso, Squires, Swanson, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

Representative McClafferty moved to change her vote on **HB 632** from Not Voting to Yes. Without objection, so ordered.

HB 632 - Representative Taylor moved **HB 632** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Connell, Driscoll, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hollenbaugh, Hoven, Ingraham, Kary, Kennedy, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McNally, McNiven, Mehlhoff, More, O'Hara, O'Neil, Peterson, Price, Read, Regier, Reichner, Rosendale, Sands, Skattum, Skees, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.

Total 55

Nays: Ankney, Belcourt, Berry, Burnett, Clark, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Hale, Hiner, Hollandsworth, Howard, Hunter, Kerns, Klock, Knudsen, McClafferty, McGillvray, McNutt, Menahan, Miller, Noonan, Osmundson, Pease-Lopez, Phillips, Randall, Reinhart, Roberts, Salomon, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Wagner, Welborn, Yates.

Total 44

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Yates moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

Nays: Belcourt, Berry, Hale, Hollenbaugh, Malek, McClafferty, Noonan, Phillips, Reinhart, Sesso, F. Smith, Squires.

Total 12

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

Excused: Boland, Kary.

Total 2

Absent or not voting: Evans.

Total 1

REPORTS OF STANDING COMMITTEES

JUDICIARY (Peterson, Chairman):

3/28/2011

SB 97, be amended as follows:

1. Title, line 6.

Strike: "16"

Insert: "18"

2. Page 2, line 18.

Strike: "16"

Insert: "18"

And, as amended, be concurred in. Report adopted.

SB 347, be amended as follows:

1. Page 5, line 15.

Following: "use of"

Insert: "either"

Strike: "and"

Insert: "or"

2. Page 5, line 16.

Strike: "a common"

Insert: "the state's official internet"

3. Page 5, line 22.

Following: "The"

Insert: "agency"

Following: "website"

Insert: "link"

Strike: "be created to"

4. Page 6, line 7.

Strike: "[section 5 1]"

Insert: "2-10-105"

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

5. Page 6, line 8.

Strike: "[section 5 1]"

Insert: "2-10-105"

And, as amended, be concurred in. Report adopted.

TRANSPORTATION (Vance, Chairman):

3/25/2011

HB 636, introduced bill, be amended as follows:

1. Title, page 1, line 13.

Strike: "DONATIONS"

Insert: "DESIGNATIONS"

2. Page 11, line 19.

Strike: "a motor vehicle"

Insert: "treated as a light vehicle"

3. Page 12, line 7.

Following: line 6

Insert: "(b) A motorcycle designed for use on highways is a motor vehicle unless otherwise prescribed.

(c) A motorcycle designed for off-road recreational use is an off-highway vehicle unless it has been modified to meet the equipment standards specified in chapter 9 of this title and has been registered for highway use."

Renumber: subsequent subsections

4. Page 13, line 8.

Following: "for"

Strike: "road"

Insert: "off-road"

5. Page 18, line 29.

Strike: "low-pressure"

6. Page 24, line 19.

Following: "vehicle"

Strike: ", "

Insert: "or"

7. Page 24, line 19 through line 21.

Following: "motorcycle"

Strike: ", quadricycle" on line 19 through "snowmobile" on line 21

Insert: "designed for use on highways"

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

8. Page 34, line 5.

Following: "motorcycle,"

Insert: "quadricycle, off-highway vehicle, utility vehicle,"

9. Page 34, line 7.

Following: "motorcycle,"

Insert: "quadricycle, off-highway vehicle, utility vehicle,"

10. Page 34, line 9.

Following: "motorcycle,"

Insert: "quadricycle, off-highway vehicle, utility vehicle,"

11. Page 34, line 14.

Following: "motorcycle,"

Insert: "quadricycle, off-highway vehicle, utility vehicle,"

12. Page 34, line 17.

Following: "motorcycle,"

Insert: "quadricycle, off-highway vehicle, utility vehicle,"

13. Page 34, line 24.

Following: "motorcycle,"

Insert: "quadricycle, off-highway vehicle, utility vehicle,"

14. Page 38, line 2.

Strike: "person to whom ownership"

Insert: "owner"

15. Page 38, line 3 through line 4.

Strike: "has" on line 3 through "transferred" on line 4

16. Page 40, line 5

Strike: "subsection (3) and subsection (11)"

Insert: "subsections (3), (11), and (12)"

17. Page 46, line 20.

Following: "quadricycle,"

Insert: "utility vehicle,"

18. Page 70, line 17.

Strike: "a utility vehicle,"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - MARCH 28, 2011

MOTIONS

Representative McGillvray moved **HJR 2** be moved from the Committee of the Whole after Second Reading to the Taxation committee.

Representative Hunter moved that **HB 620** be taken from Business and Labor and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Berry, Brodehl, Connell, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 40

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 57

Excused: Boland, Kary.
Total 2

Absent or not voting: Evans.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 10:00 a.m., Tuesday, March 29, 2011. Motion carried.

House adjourned at 4:24 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SEVENTIETH LEGISLATIVE DAY**

Helena, Montana
March 29, 2011

House Chambers
State Capitol

House convened at 10:00 a.m. Representative Taylor, Speaker Pro Tem, in the Chair. Invocation by Representative More. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Milburn, excused. Quorum present.

BILLS (O'Hara, Chairman): 3/29/2011

Correctly printed: **HB 641, SB 11, SB 16, SB 218, SB 219, SB 237, SB 261, SB 296, SB 315, SB 330, SJR 8.**

Correctly engrossed: **HB 274, HB 616, HB 629, HB 642, SB 54, SB 97, SB 233, SB 311, SB 337, SB 338, SJR 15.**

Examined by the sponsor and found to be correct: **HB 30, HB 41, HB 102, HB 123, HB 135, HB 185, HB 269, HB 391, HB 430, HB 487, HB 498, HB 594.**

Correctly enrolled: **HB 30, HB 41, HB 102, HB 123, HB 135, HB 185, HB 269, HB 391, HB 430, HB 487, HB 498, HB 594.**

Signed by the Speaker at 10:50 a.m., March 29, 2011: **HB 49, HB 77, HB 90, HB 110, HB 116, HB 131, HB 134, HB 225, HB 256, HB 315, HB 342, HB 528, HJR 19.**

Signed by the Chief Clerk of the House at 9:30 a.m., March 29, 2011: **HB 49, HB 77, HB 90, HB 110, HB 116, HB 131, HB 134, HB 225, HB 256, HB 315, HB 342, HB 528, HJR 19.**

REPORTS OF STANDING COMMITTEES

EDUCATION (Reichner, Chairman): 3/28/2011

SB 315, be concurred in. Report adopted.

SJR 8, be concurred in. Report adopted.

TAXATION (Blasdel, Chairman): 3/28/2011

SB 219, be concurred in. Report adopted.

SB 261, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/28/2011

HB 12, introduced by Menahan

HB 69, introduced by Menahan

HB 91, introduced by Ingraham

HB 107, introduced by Hollenbaugh

HB 279, introduced by F. Smith

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

HB 295, introduced by Cook
HB 297, introduced by Berry
HB 310, introduced by Blyton
HB 334, introduced by Reichner
HB 522, introduced by Kary
HB 548, introduced by Bangerter
HB 593, introduced by Ankney

Senate bills passed and transmitted to the House for concurrence: 3/28/2011

SB 94, introduced by Erickson
SB 348, introduced by De. Barrett
SB 382, introduced by Gillan
SB 410, introduced by Brenden
SB 413, introduced by Balyeat

House bills concurred in and returned to the House: 3/28/2011

HB 30, introduced by C. Smith
HB 41, introduced by Stahl
HB 102, introduced by Menahan
HB 123, introduced by McClafferty
HB 135, introduced by Squires
HB 185, introduced by Berry
HB 269, introduced by Lavin
HB 391, introduced by Berry
HB 430, introduced by Loney
HB 487, introduced by Clark
HB 498, introduced by MacLaren
HB 594, introduced by Sesso

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 94, introduced by Erickson, referred to Taxation.
SB 348, introduced by De. Barrett, referred to Fish, Wildlife and Parks.
SB 382, introduced by Gillan, Tutvedt, referred to Taxation.
SB 410, introduced by Brenden, Ripley, Arthun, Walker, Lewis, Moore, Steinbeisser, Jones, Brown, Vincent, Tutvedt, Jackson, Buttrey, Mowbray, Hinkle, referred to Natural Resources.
SB 413, introduced by Balyeat, Tutvedt, referred to Taxation.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

MOTIONS

Representative Randall moved that **HB 616** be taken from Appropriations and brought before the Committee of the Whole.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates.
Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan,

Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Excused: Mr. Speaker.
Total 1

Absent or not voting: Salomon.
Total 1

Representative Knox moved that **HB 397** be taken from Appropriations and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.
Total 51

Nays: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 47

Excused: Mr. Speaker.

Total 1

Absent or not voting: Salomon.

Total 1

Representative Sands moved that **SB 276** be taken from Judiciary and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt,

Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 51

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Ehli, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Loney, McGillvray, McNiven, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 47

Excused: Mr. Speaker.

Total 1

Absent or not voting: Salomon.

Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 14 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Warburton, Williams, Wilmer, Yates.

Total 82

Nays: Belcourt, Cuffe, Hendrick, Kerns, Klock, Knox, Knudsen, Miller, Osmundson, Skattum, Stahl, Vance, Wagner, Washburn, Welborn.

Total 15

Excused: Mr. Speaker.

Total 1

Absent or not voting: Hale, Salomon.

Total 2

HB 518 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Welborn, Williams, Wilmer, Yates.

Total 78

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Cuffe, Flynn, Greef, Hale, Hendrick, Howard, Kennedy, Kerns, Knox, Lavin, Regier, Skattum, Skees, C. Smith, Vance, Washburn.

Total 20

Excused: Mr. Speaker.

Total 1

Absent or not voting: Salomon.

Total 1

HB 607 passed as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Furey, Gibson, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer.

Total 78

Nays: Ankney, G. Bennett, Boland, Hale, Hendrick, Ingraham, Kennedy, Kerns, Knox, McClafferty, Mehlhoff, More, Noonan, Skattum, Skees, C. Smith, F. Smith, Wagner, Yates.

Total 19

Excused: Mr. Speaker.

Total 1

Absent or not voting: Greef, Salomon.

Total 2

HB 614 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Peterson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Furey, Gibson, Hands, Hill, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Osmundson, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson.

Total 32

Excused: Mr. Speaker.

Total 1

Absent or not voting: Salomon.

Total 1

HB 618 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Williams, Wilmer, Yates.

Total 88

Nays: B. Beck, G. Bennett, Hale, McNiven, Osmundson, Regier, Skattum, Vance, Welborn.

Total 9

Excused: Mr. Speaker.

Total 1

Absent or not voting: Salomon, Small.

Total 2

HB 622 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 89

Nays: Edmunds, Kennedy, Kerns, McNiven, Regier, Skattum, Skees, Stahl, Wagner.

Total 9

Excused: Mr. Speaker.

Total 1

Absent or not voting: Salomon.

Total 1

HB 631 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates.

Total 85

Nays: Hale, Hendrick, Kary, Kennedy, Kerns, Knox, Miller, More, Skattum, Skees, Stahl, Wagner, Welborn.

Total 13

Excused: Mr. Speaker.

Total 1

Absent or not voting: Salomon.

Total 1

HB 632 passed as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Bennett, G. Bennett, Blyton, Boland, Brodehl, Connell, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hansen, Hendrick, Hill, Hollenbaugh, Hoven, Hunter, Ingraham, Kennedy, Klock, Knox, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, More, O'Hara, O'Neil, Peterson, Price, Read, Regier, Reichner, Reinhart, Rosendale, Sands, Schmidt, Skees, Stahl, Swanson, Taylor, Vance, Warburton, Williams, Wilmer.

Total 56

Nays: Ankney, B. Beck, Belcourt, Berry, Blasdel, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Harris, Hiner, Hollandsworth, Howard, Kary, Kerns, Knudsen, Loney, McGillvray, McNutt, Miller, Noonan, Osmundson, Pease-Lopez, Phillips, Randall, Roberts, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Wagner, Washburn, Welborn, Yates.

Total 42

Excused: Mr. Speaker.

Total 1

Absent or not voting: Salomon.

Total 1

HB 633 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Gibson, Greef, Harris, Hendrick, Hollandsworth,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Howard, Ingraham, Kary, Kennedy, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn.

Total 52

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Hale, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 46

Excused: Mr. Speaker.

Total 1

Absent or not voting: Salomon.

Total 1

HB 638 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn.

Total 61

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 37

Excused: Mr. Speaker.

Total 1

Absent or not voting: Salomon.

Total 1

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Edmunds in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 97 - Representative K. Peterson moved **SB 97** be concurred in.

SB 97 - Representative K. Peterson moved **SB 97**, second reading copy, be amended as follows:

1. Page 2, line 12 through line 13.

Strike: subsection (4) in its entirety

Renumber: subsequent subsections

2. Page 2, line 25.

Following: "minor"

Strike: "or an incompetent person"

3. Page 2, line 26.

Following: "minor"

Strike: "or incompetent person"

4. Page 3, line 21.

Following: "minors"

Strike: "and incompetent persons"

5. Page 3, line 23.

Following: "minor"

Strike: "or incompetent person"

Amendment adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Swanson, Taylor, Vance,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Washburn, Welborn, Williams, Yates.

Total 86

Nays: Kennedy, Malek, Regier, Wagner, Warburton.

Total 5

Excused: Mr. Speaker.

Total 1

Absent or not voting: Ankney, Edmunds, Ehli, Kary, McGillvray, Squires, Stahl, Wilmer.

Total 8

SB 97 - Representative K. Peterson moved **SB 97**, second reading copy, be further amended as follows:

1. Page 3, line 23.

Following: "youth"

Insert: "or justice's"

2. Page 3, line 26.

Following: "youth"

Insert: "or justice's"

3. Page 4, line 21.

Following: "youth"

Insert: "or justice's"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Welborn, Williams, Wilmer, Mr. Speaker.

Total 90

Nays: Cuffe, Hansen, McNiven, Rosendale, Vance, Wagner, Warburton, Washburn, Yates.

Total 9

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Excused: None.

Total 0

Absent or not voting: Klock.

Total 1

SB 97 - Representative K. Peterson moved **SB 97**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Mehlhoff, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 60

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 38

Excused: None.

Total 0

Absent or not voting: Edmunds, Knox.

Total 2

SB 42 - Representative Howard moved **SB 42** be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Court, Driscoll, Edmunds, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, C. Smith, F. Smith, Squires, Swanson, Taylor, Williams, Wilmer, Yates, Mr. Speaker.

Total 70

Nays: Ankney, Belcourt, G. Bennett, Berry, Cook, Cuffe, Ehli, Esp, Hendrick, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, McNiven, Miller, More, O'Neil, Randall, Rosendale, Skattum, Small, Stahl, Vance, Wagner, Warburton, Washburn, Welborn.

Total 29

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Excused: None.

Total 0

Absent or not voting: Hale.

Total 1

HB 627 - Representative G. Bennett moved **HB 627** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 60

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 100 - Representative Connell moved **SB 100** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 108 - Representative Vance moved **SB 108** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 69

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Excused: None.

Total 0

Absent or not voting: Taylor.

Total 1

SB 136 - Representative Wilmer moved **SB 136** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Salomon, Schmidt, Sesso, Skattum, Skees, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 81

Nays: Barrett, Belcourt, B. Bennett, Boland, Burnett, Court, Driscoll, Hale, Hands, Hollenbaugh, McNiven, Menahan, Pease-Lopez, Roberts, Rosendale, Sands, Small, F. Smith, Wagner.

Total 19

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 156 - Representative Pease-Lopez moved **SB 156** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: Berry, Hale, Kerns, Knox, McGillvray, O'Neil, Skattum, Stahl.

Total 8

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Edmunds moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates.

Total 74

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hollenbaugh, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Williams.

Total 25

Excused: Mr. Speaker.

Total 1

Absent or not voting: None.

Total 0

House Recessed.

House Reconvened.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):

3/29/2011

SB 11, be concurred in. Report adopted.

SB 16, be concurred in. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 3/28/2011

SB 233, be amended as follows:

1. Page 5, line 9.

Following: the second "WILDLIFE"

Insert: "and fish"

2. Page 10, line 20.

Strike: "(D)"

3. Page 10, line 23.

Strike: "(D)"

4. Page 10, line 26.

Following: "(i)"

Insert: "a project or activity undertaken by a private entity that is made possible by"

5. Page 11, line 1.

Following: "conservation"

Insert: "or the board of land commissioners"

And, as amended, be concurred in. Report adopted.

SB 330, be concurred in. Report adopted.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

STATE ADMINISTRATION (Ingraham, Chairman):
SB 54, be amended as follows:

3/24/2011

1. Page 4, line 12.

Strike: "25"

Insert: "24"

2. Page 5, line 29.

Strike: "OR 24"

3. Page 8, line 3.

Strike: "money purchase plans"

Insert: "hybrid tier"

4. Page 8, line 4.

Strike: "27"

Insert: "26"

5. Page 8, line 5.

Strike: "18" through "27"

Insert: "16 through 24"

6. Page 8, line 14.

Strike: "25"

Insert: "24"

7. Page 10, line 13.

Strike: "26"

Insert: "25"

8. Page 19, line 3.

Strike: "regardless of age"

9. Page 19, line 10.

Strike: "In"

Insert: "(a) Upon the death of a tier one member, in"

10. Page 19, line 12 through line 13.

Strike: ":", on line 12 through ":", on line 13

11. Page 19, line 14.

Strike: ":",

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

12. Page 19, line 15.

Strike: "or"

Insert: "."

13. Page 19, line 16.

Strike: "upon"

Insert: "Upon"

Following: "member,"

Insert: "the retirement allowance"

14. Page 20, line 19.

Strike: "assets to be held in trust --"

15. Page 20, line 21.

Strike: "this part"

Insert: "[sections 18 through 26]"

16. Page 20, line 26.

Strike: "regarding"

Insert: "provided for in 19-20-201 as applicable to"

Strike: "as provided in 19-20-201, as applicable"

17. Page 20, line 29.

Strike: "27"

Insert: "26"

18. Page 21, line 27.

Strike: "or interest credit"

19. Page 21, line 30.

Strike: "money purchase plan"

20. Page 22, line 5.

Following: "retirement"

Insert: ", "

Strike: the first "**benefit**"

Insert: "disability, and death benefits"

Strike: the second "**benefit**"

Insert: "benefits"

21. Page 22, line 8.

Strike: "OR 24"

22. Page 22.

Following: line 14

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Insert: "(4) A vested member who has not reached normal retirement age and who retires on a disability retirement benefit, as provided in 19-20-901, must receive the greater of:

(a) the benefit provided under subsection (1) of this section; or

(b) if the member has 15 or fewer years of creditable service, 25% of the member's average final compensation.

(5) If a vested member dies before retirement, in lieu of the benefits provided for in 19-20-1001(1), regardless of age, the nominated beneficiary may elect to receive a retirement allowance equal to the greater of:

(a) the benefit provided under subsection (1) of this section; or

(b) 1 2/3% for each year of creditable service multiplied by the member's average final compensation.

(6) If a member who qualifies for benefits under subsection (4) or (5) has less than 3 years of full-time service during the 3 years immediately preceding the member's termination or death, the member's earned compensation for purposes of calculating a disability or survivor benefit must be determined as provided in 19-20-805."

23. Page 22, line 16.

Strike: "A"

Insert: "(1) If this subsection is approved by the internal revenue service pursuant to [section 28], a"

24. Page 22, line 19.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

25. Page 22.

Following: line 25

Insert: "(2) If the provisions of subsection (1) are not approved by the internal revenue service pursuant to [section 28], a tier two member has a right to a retirement system match of 100% of the member's accumulated contributions after the member has earned at least 10 years of creditable service."

26. Page 22, line 27 through line 29.

Strike: section 24 in its entirety

Renumber: subsequent sections

27. Page 23, line 6.

Strike: "5%"

Insert: "4%"

28. Page 23, line 7.

Strike: "5%"

Insert: "4%"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

29. Page 24, line 10.

Strike: "27"

Insert: "26"

30. Page 24, line 15.

Strike: "opinion"

Insert: "determination -- certification that plan is effective"

Following: "opinion."

Insert: "(1)"

31. Page 24, line 18 through line 19.

Strike: "[" on line 18 through "." on line 19

Insert: "The board shall seek the ruling or determination first based on the vesting schedule provided for in [section 23(1)]. If that schedule is not approved, then the board shall seek the ruling or determination based on the vesting schedule provided for in [section 23(2)].

(2) The board shall certify to the governor and the secretary of state the date on which the hybrid tier established pursuant to [sections 18 through 26] receives a favorable ruling or determination from the internal revenue service. The board shall provide a copy of the certification to the code commissioner."

32. Page 24, line 21 through line 27.

Strike: section 30 in its entirety

Renumber: subsequent sections

33. Page 24, line 30.

Strike: the first "parts 4 and"

Insert: "part"

Strike: the second "parts 4 and"

Insert: "part"

34. Page 25, line 2.

Strike: "27"

Insert: "26"

35. Page 25, line 3.

Strike: "27"

Insert: "26"

36. Page 25.

Following: line 3

Insert: "COORDINATION SECTION. **Section 30. Coordination instruction.** If House Bill No. 189 and [this act] are both passed and approved, then House Bill No. 189 is void."

Renumber: subsequent section

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

37. Page 25, line 5.

Strike: "CONTINGENCIES"

Insert: "contingency"

38. Page 25, line 6.

Strike: "SUBSECTIONS"

Insert: "subsection"

Strike: "AND (3)"

39. Page 25, line 7.

Strike: "30"

Insert: "28"

40. Page 25, line 8.

Strike: "28"

Insert: "27"

41. Page 25, line 9 through line 11.

Strike: subsection (3) in its entirety

And, as amended, be concurred in. Report adopted.

SB 311, be amended as follows:

1. Page 2, line 20.

Strike: "and"

2. Page 2, line 21.

Following: "or"

Insert: "for which"

3. Page 2, line 22.

Following: "or"

Insert: "for which"

4. Page 2, line 24 through line 25.

Strike: "MEANS" on line 24 through "FILING" on line 25

Insert: "has the meaning provided in 2-16-214"

And, as amended, be concurred in. Report adopted.

SB 338, be amended as follows:

1. Title, line 5 through line 6.

Strike: "PROVIDING THAT" on line 5 through "APPROPRIATION;" on line 6

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

2. Title, line 8.

Following: "2-2-121"

Insert: ","

Strike: "AND"

Following: "2-2-136,"

Insert: "AND 17-2-304,"

3. Page 2, line 28.

Strike: "and then only"

4. Page 2, line 29.

Following: "functions"

Insert: "or in the case of an announcement directly related to a program or activity under the jurisdiction of the office or position to which the state officer was elected or appointed"

5. Page 5, line 14 through line 23.

Strike: sections 3 and 4 in their entirety

Insert: "**Section 3.** Section 17-2-304, MCA, is amended to read:

"17-2-304. Reports required. (1) The approving authority for a state agency shall annually report in writing to the legislative finance committee by September 15:

(a) each state agency that had a cash balance in a state charge for services fund contrary to the limitation provided in 17-2-302(1) during the previous 12 months;

(b) the facts certified for each state agency by the approving authority pursuant to 17-2-302(2);

(c) each state agency that has complied with the requirements of 17-2-303 and the circumstances of the agency's compliance; ~~and~~

(d) each state agency that has not complied with 17-2-303 and the circumstances of the agency's noncompliance; and

(e) all expenditures made by the state agency in the preceding 12 months that are related to the production and distribution of public service announcements.

(2) The director of the department of administration shall report to the legislature at the time and in the manner required by 5-11-210 a list of each local government entity that had a balance in a local charge for services fund contrary to the limitation provided by 17-2-302(1) or that failed to reduce the charge as provided in 17-2-303, or both, during the previous 12 months.""

And, as amended, be concurred in. Report adopted.

TAXATION (Blasdel, Chairman):

3/28/2011

HB 642, introduced bill, be amended as follows:

1. Page 5, line 10.

Strike: "\$458,000"

Insert: "\$100,000"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Roll Call. All members present, except Representative Milburn, excused. Quorum present.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Edmunds in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 513 - Representative Wagner moved **HB 513** do pass.

HB 513 - Representative Ingraham moved **HB 513**, second reading copy, be amended as follows:

1. Page 21, line 1 through line 4.

Strike: subsection (4) in its entirety

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Greef, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Gibson, Hale, Hansen, Harris, Knox, Knudsen, Miller, O'Neil, Wagner, Warburton.

Total 10

Excused: None.

Total 0

Absent or not voting: Howard.

Total 1

HB 513 - Representative Knox moved **HB 513**, second reading copy, be further amended as follows:

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

1. Title, lines 11 through 14.

Strike: "REQUIRING" on line 11 through "CURRENCY;" on line 14

2. Title, line 19.

Strike: "17-6-202,"

3. Page 11, line 6.

Strike: "-- cigarette" through "taxes"

4. Page 11, line 7.

Following: "charges"

Insert: "-- conversion required"

5. Page 11, line 7 through line 16.

Strike: subsection (1) through subsection (2) in their entirety

Renumber: subsequent subsections

6. Page 11, line 17.

Following: "any"

Strike: "other"

7. Page 11, line 26.

Strike: "(3)(a)"

Insert: "(1)(a)"

8. Page 11, line 28.

Following: "payment"

Insert: "in gold and silver coin or electronic gold currency"

Following: "payments"

Insert: "in gold and silver coin or electronic gold currency"

9. Page 11.

Following: line 29

Insert: "(3) The state treasurer shall convert all payments received by the state under Title 16, chapter 11, that are not made in gold and silver coin to gold and silver coin as soon as practicable after receipt.

(4) With respect to cigarettes or other tobacco products, redemptions of stamps or refunds may be made only in gold and silver coin."

10. Page 15, line 6.

Following: "notify"

Insert: "-- transaction costs of conversion"

Following: "notify."

Insert: "(1)"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

11. Page 15.

Following: line 11

Insert: "(2) (a) Except as provided in subsection (2)(b), if the state or a political subdivision incurs a cost to convert legal tender to gold and silver coin or electronic gold currency to make payment to the person that requested payment in gold and silver coin or electronic gold currency, the state or political subdivision shall reduce the payment by the amount of the cost incurred to make the conversion.

(b) The state or a political subdivision may not reduce a payment made at the payee's request in gold and silver coin or electronic gold currency if:

(i) the state or political subdivision did not incur a cost to convert legal tender to gold and silver coin or electronic gold currency;

(ii) the amount of the payment to be made in gold and silver coin or electronic gold currency is less than or equal to the dollar amount of gold and silver coin or electronic gold currency made by the payee to the state or the political subdivision within the last 12 months; or

(iii) the payee has made at least one payment to the state or political subdivision within the last 12 months and 100% of the payments made by the payee to the state or political subdivision within the last 12 months have been made in gold and silver coin or electronic gold currency."

12. Page 15, line 27.

Following: "8"

Strike: "(3)"

13. Page 16, line 12.

Following: ",'"

Insert: "or"

14. Page 16, line 13 through line 14.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsection

15. Page 20, line 18 through page 21, line 4.

Strike: section 22 in its entirety

Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Connell, Cook, Evans, Hale, Hansen, Harris, Hendrick, Hoven, Kary, Kennedy, Klock, Knox, Knudsen, MacLaren, McGillvray, McNiven, O'Hara, Randall, Read, Reichner, Salomon, Skattum, Skees, Small, C. Smith, Vance, Washburn, Welborn, Mr. Speaker.

Total 38

Nays: B. Beck, Belcourt, B. Bennett, Boland, Burnett, Clark, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Hollenbaugh, Howard, Hunter, Ingraham, Kerns, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Taylor, Wagner, Warburton, Williams, Wilmer, Yates.
Total 61

Excused: None.
Total 0

Absent or not voting: Stahl.
Total 1

HB 513 - Representative Di. Barrett moved **HB 513**, second reading copy, be further amended as follows:

1. Title, line 8.

Following: "CURRENCY,"

Insert: "COAL,"

2. Title, line 11.

Following: "CURRENCY,"

Insert: "COAL,"

3. Title, line 16.

Strike: "OR"

Following: "CURRENCY"

Insert: ", OR COAL"

4. Page 1, line 25.

Following: "currency,"

Insert: "or another tangible commodity having a fixed rate of exchange"

5. Page 2, line 3.

Following: "silver"

Insert: "or other tangible commodities"

6. Page 2, line 5.

Following: "silver"

Insert: "or other tangible commodities"

7. Page 2, line 20.

Following: "powers,"

Insert: "including the states's power and privilege to establish any other tangible commodity having a fixed rate of value as a medium of exchange,"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

8. Page 2.

Following: line 25

Insert: "(1) "Coal" has the meaning provided in 82-1-111."

Renumber: subsequent subsections

9. Page 4, line 27.

Strike: "(7)(b)"

Insert: "(8)(b)"

10. Page 5, line 25.

Following: "form"

Insert: "or coal"

11. Page 5, line 28.

Following: "form"

Insert: "or coal"

12. Page 6, line 14.

Following: "form"

Insert: "or coal"

13. Page 9, line 29.

Following: "gold"

Insert: ", "

Strike: " and"

Following: "silver"

Insert: ", and coal"

14. Page 10, line 1.

Following: "coin"

Insert: ", "

Strike: "or"

Following: "currency"

Insert: ", or coal"

15. Page 10, line 15.

Following: "coin"

Insert: ", "

Strike: "or"

Following: "currency"

Insert: ", or coal"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

16. Page 10, line 16.

Following: "coin"

Insert: ","

Strike: "or"

17. Page 10, line 17.

Following: "currency"

Insert: ", or coal"

18. Page 10, line 21.

Following: "coin"

Insert: "or coal"

19. Page 10, line 30.

Following: "coin"

Insert: ","

Strike: "or"

Following: "currency"

Insert: ", or coal"

20. Page 11, line 2.

Following: "coin"

Insert: ","

Strike: "or"

Following: "currency"

Insert: ", or coal"

21. Page 12, line 1.

Following: "gold"

Insert: ","

Strike: "and"

Following: "silver"

Insert: ", and coal"

22. Page 12, line 4.

Following: "currency"

Insert: "and coal"

23. Page 12, line 7.

Strike: "either"

Following: "States"

Insert: ","

Strike: "or"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

24. Page 12, line 8.

Following: "currency"

Insert: ", or coal"

25. Page 12, line 16.

Following: "currency" in both places

Insert: "or coal" in both places

26. Page 12, line 18.

Following: "States"

Insert: ", "

Strike: "or"

Following: "currency"

Insert: ", or coal"

27. Page 12, line 24.

Following: "currency"

Insert: "or in coal"

28. Page 12, line 26.

Following: "currency"

Insert: "or in coal, as specified in the bond contract"

29. Page 12, line 28.

Following: "currency"

Insert: "or in coal"

30. Page 12, line 30.

Following: "gold"

Insert: ", "

Strike: "and"

Following: "silver"

Insert: ", and coal"

31. Page 13, line 5.

Strike: "both"

Following: "States"

Insert: ", "

Strike: "and"

Insert: "in"

Following: "currency"

Insert: ", and in coal"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

32. Page 13, line 7.

Strike: "either"

Following: "States"

Insert: ", "

Strike: "or"

Following: "currency"

Insert: ", or coal"

33. Page 13, line 9.

Strike: "either"

Following: "States"

Insert: ", "

Strike: "or"

Following: "currency"

Insert: ", or coal"

34. Page 13, line 14.

Following: "gold"

Insert: ", "

Strike: "and"

Following: "silver"

Insert: ", and coal"

35. Page 13, line 18.

Strike: "both"

36. Page 13, line 19.

Following: "States"

Insert: ", "

Strike: "and"

Following: "currency"

Insert: ", and coal"

37. Page 13, line 21.

Strike: "either"

Following: "States"

Insert: ", "

Strike: "or"

Following: "currency"

Insert: ", or coal"

38. Page 13, line 23.

Following: "gold"

Insert: ", "

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Strike: "and"

Following: "silver"

Insert: ", and coal"

39. Page 13, line 29.

Strike: "both"

Following: "States"

Insert: ", "

Strike: "and"

Insert: "in"

Following: "currency"

Insert: ", and in coal"

40. Page 14, line 3.

Strike: "either"

41. Page 14, line 4.

Following: "States"

Insert: ", "

Strike: "or"

Insert: "in"

Following: "currency"

Insert: ", or in coal"

42. Page 14, line 13.

Following: "currency"

Insert: "or in coal"

43. Page 14, line 15.

Following: "gold"

Insert: ", "

Strike: "and"

Following: "silver"

Insert: ", and coal"

44. Page 14, line 19.

Strike: "both"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

45. Page 14, line 20.

Following: "States"

Insert: ","

Strike: "and"

Insert: "in"

Following: "currency"

Insert: ", and in coal"

46. Page 14, line 25.

Following: "currency"

Insert: "or in coal"

47. Page 14, line 27.

Strike: "either"

Following: "States"

Insert: ","

Strike: "or"

Insert: "in"

Following: "currency"

Insert: ", or in coal"

48. Page 15, line 3.

Strike: "either"

Following: "States"

Insert: ","

Strike: "or"

49. Page 15, line 4.

Following: "currency"

Insert: ", or coal"

50. Page 15, line 9.

Following: "currency"

Insert: "or coal"

51. Page 16, line 24.

Following: "currency"

Insert: "or coal"

52. Page 17, line 9.

Following: "currency"

Insert: "or in coal"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

53. Page 17, line 12.

Following: "currency"

Insert: "or coal"

54. Page 17, line 14.

Following: "currency"

Insert: "or coal"

55. Page 17, line 17.

Following: "currency"

Insert: "or coal"

56. Page 18, line 25.

Following: "coin"

Insert: ", "

Strike: "and"

Following: "currency"

Insert: ", and coal"

57. Page 19, line 15.

Following: "coin"

Insert: ", "

58. Page 19, line 16.

Strike: "or"

Following: "currency"

Insert: ", or coal"

59. Page 21, line 19.

Following: "coin"

Insert: ", "

Strike: "and"

Following: "currency"

Insert: ", and coal"

Amendment **not** adopted as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 70

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 513 - Representative Noonan moved **HB 513**, second reading copy, be further amended as follows:

1. Title, line 8.

Following: "CURRENCY,"

Insert: "COPPER,"

2. Title, line 11.

Following: "CURRENCY,"

Insert: "COPPER,"

3. Title, line 16.

Strike: "OR"

Following: "CURRENCY"

Insert: ", OR COPPER"

4. Page 1, line 25.

Following: "currency,"

Insert: "or another tangible commodity having a fixed rate of exchange"

5. Page 2, line 3.

Following: "silver"

Insert: "or other tangible commodities"

6. Page 2, line 5.

Following: "silver"

Insert: "or other tangible commodities"

7. Page 2, line 20.

Following: "powers,"

Insert: "including the states's power and privilege to establish any other tangible commodity having a fixed rate of value as a medium of exchange,"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

8. Page 5, line 25.

Following: "form"

Insert: "or copper"

9. Page 5, line 28.

Following: "form"

Insert: "or copper"

10. Page 6, line 14.

Following: "form"

Insert: "or copper"

11. Page 9, line 29.

Following: "gold"

Insert: ", "

Strike: "and"

Following: "silver"

Insert: ", and copper"

12. Page 10, line 1.

Following: "coin"

Insert: ", "

Strike: "or"

Following: "currency"

Insert: ", or copper"

13. Page 10, line 15.

Following: "coin"

Insert: ", "

Strike: "or"

Following: "currency"

Insert: ", or copper"

14. Page 10, line 16.

Following: "coin"

Insert: ", "

Strike: "or"

15. Page 10, line 17.

Following: "currency"

Insert: ", or copper"

16. Page 10, line 21.

Following: "coin"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Insert: "or copper"

17. Page 10, line 30.

Following: "coin"

Insert: ", "

Strike: "or"

Following: "currency"

Insert: ", or copper"

18. Page 11, line 2.

Following: "coin"

Insert: ", "

Strike: "or"

Following: "currency"

Insert: ", or copper"

19. Page 12, line 1.

Following: "gold"

Insert: ", "

Strike: "and"

Following: "silver"

Insert: ", and copper"

20. Page 12, line 4.

Following: "currency"

Insert: "and copper"

21. Page 12, line 7.

Strike: "either"

Following: "States"

Insert: ", "

Strike: "or"

22. Page 12, line 8.

Following: "currency"

Insert: ", or copper"

23. Page 12, line 16.

Following: "currency" in both places

Insert: "or copper" in both places

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

24. Page 12, line 18.

Following: "States"

Insert: ", "

Strike: "or"

Following: "currency"

Insert: ", or copper"

25. Page 12, line 24.

Following: "currency"

Insert: "or in copper"

26. Page 12, line 26.

Following: "currency"

Insert: "or in copper, as specified in the bond contract"

27. Page 12, line 28.

Following: "currency"

Insert: "or in copper"

28. Page 12, line 30.

Following: "gold"

Insert: ", "

Strike: "and"

Following: "silver"

Insert: ", and copper"

29. Page 13, line 5.

Strike: "both"

Following: "States"

Insert: ", "

Strike: "and"

Insert: "in"

Following: "currency"

Insert: ", and in copper"

30. Page 13, line 7.

Strike: "either"

Following: "States"

Insert: ", "

Strike: "or"

Following: "currency"

Insert: ", or copper"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

31. Page 13, line 9.

Strike: "either"

Following: "States"

Insert: ", "

Strike: "or"

Following: "currency"

Insert: ", or copper"

32. Page 13, line 14.

Following: "gold"

Insert: ", "

Strike: "and"

Following: "silver"

Insert: ", and copper"

33. Page 13, line 18.

Strike: "both"

34. Page 13, line 19.

Following: "States"

Insert: ", "

Strike: "and"

Following: "currency"

Insert: ", and copper"

35. Page 13, line 21.

Strike: "either"

Following: "States"

Insert: ", "

Strike: "or"

Following: "currency"

Insert: ", or copper"

36. Page 13, line 23.

Following: "gold"

Insert: ", "

Strike: "and"

Following: "silver"

Insert: ", and copper"

37. Page 13, line 29.

Strike: "both"

Following: "States"

Insert: ", "

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Strike: "and"
Insert: "in"
Following: "currency"
Insert: ", and in copper"

38. Page 14, line 3.
Strike: "either"

39. Page 14, line 4.
Following: "States"
Insert: ", "
Strike: "or"
Insert: "in"
Following: "currency"
Insert: ", or in copper"

40. Page 14, line 13.
Following: "currency"
Insert: "or in copper"

41. Page 14, line 15.
Following: "gold"
Insert: ", "
Strike: " and"
Following: "silver"
Insert: ", and copper"

42. Page 14, line 19.
Strike: "both"

43. Page 14, line 20.
Following: "States"
Insert: ", "
Strike: "and"
Insert: "in"
Following: "currency"
Insert: ", and in copper"

44. Page 14, line 25.
Following: "currency"
Insert: "or in copper"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

45. Page 14, line 27.

Strike: "either"

Following: "States"

Insert: ", "

Strike: "or"

Insert: "in"

Following: "currency"

Insert: ", or in copper"

46. Page 15, line 3.

Strike: "either"

Following: "States"

Insert: ", "

Strike: "or"

47. Page 15, line 4.

Following: "currency"

Insert: ", or copper"

48. Page 15, line 9.

Following: "currency"

Insert: "or copper"

49. Page 16, line 24.

Following: "currency"

Insert: "or copper"

50. Page 17, line 9.

Following: "currency"

Insert: "or in copper"

51. Page 17, line 12.

Following: "currency"

Insert: "or copper"

52. Page 17, line 14.

Following: "currency"

Insert: "or copper"

53. Page 17, line 17.

Following: "currency"

Insert: "or copper"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

54. Page 18, line 25.

Following: "currency"

Insert: ", "

55. Page 18, line 26.

Following: "[section 2]"

Insert: ", and copper"

56. Page 19, line 16.

Following: "[section 2]"

Insert: ", or copper"

57. Page 21, line 19.

Following: "currency"

Insert: ", "

58. Page 21, line 20.

Following: "[section 2]"

Insert: ", and copper"

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, MacDonald, Malek, McChesney, McClafferty, McNally, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 68

Excused: None.

Total 0

Absent or not voting: Stahl, Welborn.

Total 2

HB 513 - Representative Wagner moved **HB 513**, as amended, do pass. Motion **failed** as follows:

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Evans, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.
Total 48

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Cook, Court, Driscoll, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 52

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative D. Barrett rose on a point of personal privilege to state that Representative Wagner had misrepresented what Representative Barrett had said during committee about the redistribution of wealth.

Representative Wagner rose on a point of personal privilege to apologize but stated that the Keynesian economics remain the same.

SB 367 - Representative G. Bennett moved **SB 367** be concurred in.

SB 367 - Representative G. Bennett moved **SB 367**, second reading copy, be amended as follows:

1. Page 13, line 17 through line 18.
Strike: "nutrient" on line 17 through "(5)(b)" on line 18
Insert: "base numeric nutrient standards"

Amendment adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Ankney, B. Beck.

Total 2

SB 367 - Representative G. Bennett moved **SB 367**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Ankney.

Total 1

HB 595 - Representative Stahl moved **HB 595** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: Blyton, Burnett, Flynn, Gibson, Greef, Hale, Hollandsworth, Hoven, Kerns, Loney, Randall, Roberts, Skattum, Small, Wagner.

Total 15

Excused: None.

Total 0

Absent or not voting: Osmundson.

Total 1

SB 352 - Representative Rosendale moved **SB 352** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Hale, Stahl.

Total 2

Excused: None.

Total 0

Absent or not voting: Connell, Kennedy.

Total 2

SB 43 - Representative Price moved **SB 43** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 67

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Cuffe, Esp, Flynn, Hale, Hansen, Hendrick, Hollandsworth, Howard, Kennedy, Kerns, Knox, McGillvray, McNiven, McNutt, Miller, More, Read, Regier, Skattum, Skees, Small, C. Smith, Stahl, Vance, Wagner, Mr. Speaker.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Edmunds moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates.

Total 88

Nays: Belcourt, B. Bennett, Boland, Hill, Hollenbaugh, Malek, Pease-Lopez, Reinhart, Wilmer.

Total 9

Excused: Mr. Speaker.

Total 1

Absent or not voting: Connell, Miller.

Total 2

SECOND READING OF BILLS

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

(COMMITTEE OF THE WHOLE)

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Edmunds in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 274 - Representative Howard moved **HB 274** do pass.

HB 274 - Representative Howard moved **HB 274**, second reading copy, be amended as follows:

1. Title, line 6.

Strike: "REQUIRING CERTAIN"

Insert: "ENCOURAGING"

2. Title, line 7.

Following: "PROCEDURES"

Insert: "AND PENALTIES"

3. Page 2, line 10.

Strike: "EMPLOYING" through "shall"

Insert: "is encouraged"

4. Page 2, line 11.

Following: "employee,"

Insert: "to"

5. Page 2, line 12.

Strike: "The verification must"

Insert: "If the verification is made, it should"

6. Page 5, line 1.

Following: "order"

Insert: "and to pay a civil penalty of not more than \$20 for each alien unlawfully employed by the employer. Any civil penalty collected pursuant to this subsection must be deposited in the general fund"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 89

Nays: Boland, Loney, Malek, McClafferty, Mehlhoff, Noonan, Pease-Lopez, F. Smith, Swanson, Wilmer.

Total 10

Excused: Miller.

Total 1

Absent or not voting: None.

Total 0

HB 274 - Representative Howard moved **HB 274**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 603 - Representative Blasdel moved **HB 603** do pass. Motion carried as follows:

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 60

Nays: Ankney, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Edmunds moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates.

Total 71

Nays: Belcourt, B. Bennett, Boland, Court, Hands, Hill, Hiner, Hollenbaugh, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.

Total 25

Excused: Miller, Mr. Speaker.

Total 2

Absent or not voting: Cuffe, Evans.

Total 2

House Recessed.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

House Reconvened.

Roll Call. All members present, except Representatives Evans, Milburn, and Miller, excused. Quorum present.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Edmunds in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 240 - Representative Flynn moved **HB 240** do **not** pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Wagner, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 90

Nays: Cuffe, Esp, Hendrick, Howard, Randall, Taylor, Vance, Warburton, Welborn.
Total 9

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

HB 334 - Senate Amendments - Representative Reichner moved Senate amendments to **HB 334** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Edmunds, Evans, Hale, Kennedy, Kerns, More, Wagner, Warburton.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 629 - Representative Knudsen moved **HB 629** do pass.

HB 629 - Representative Knox moved **HB 629**, second reading copy, be amended as follows:

1. Title, page 1, line 12.

Strike: "AND"

2. Title, page 1, line 13.

Following: "DATE"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 16, line 13.

Following: line 12

Insert: "NEW SECTION. Section 13. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Renumber: subsequent sections

4. Page 16, line 17.

Following: line 17

Insert: "NEW SECTION. Section 15. Effective date. [This act] is effective July 1, 2011."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Mr. Speaker.
Total 81

Nays: Barrett, Belcourt, B. Bennett, Boland, Hands, Hill, Hunter, MacDonald, Malek, McClafferty, Menahan, Noonan, Pease-Lopez, Sands, Sesso, Swanson, Williams, Yates.
Total 18

Excused: Miller.
Total 1

Absent or not voting: None.
Total 0

HB 629 - Representative Knudsen moved **HB 629**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 77

Nays: Barrett, B. Bennett, Boland, Court, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, Menahan, Noonan, Phillips, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer, Yates.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 636 - Representative Loney moved **HB 636** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Welborn, Williams, Wilmer, Yates.

Total 86

Nays: Bangerter, Esp, Hale, Kary, Knox, McGillvray, O'Neil, Randall, Skattum, Skees, C. Smith, Stahl, Mr. Speaker.

Total 13

Excused: None.

Total 0

Absent or not voting: Washburn.

Total 1

SB 222 - Representative Knox moved **SB 222** be concurred in.

SB 222 - Representative Di. Barrett moved **SB 222**, second reading copy, be amended as follows:

1. Page 1, line 19.

Following: "States"

Insert: "or a legal, permanent resident of the United States"

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Clark, Cook, Court, Driscoll, Edmunds, Fitzpatrick, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, O'Neil, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Taylor, Vance, Williams, Wilmer, Yates.

Total 41

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 56

Excused: Miller.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Total 1

Absent or not voting: Noonan, Phillips.

Total 2

SB 222 - Representative O'Neil moved **SB 222**, second reading copy, be amended as follows:

1. Page 2, line 1 through line 3.

Strike: "; and" on line 1 through "penitentiary" on line 3

Amendment **not** adopted as follows:

Yeas: Ankney, B. Bennett, Brodehl, Connell, Cook, Court, Edmunds, Flynn, Furey, Gibson, Greef, Hale, Hansen, Hoven, Ingraham, Kennedy, Kerns, Knudsen, McGillvray, McNiven, More, O'Neil, Read, Regier, Reichner, Reinhart, Roberts, Sands, Small, F. Smith, Stahl, Taylor, Wagner, Mr. Speaker.

Total 34

Nays: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Kary, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, C. Smith, Squires, Swanson, Vance, Washburn, Welborn, Williams, Wilmer, Yates.

Total 63

Excused: Evans, Miller.

Total 2

Absent or not voting: Warburton.

Total 1

SB 222 - Representative Ehli moved **SB 222**, second reading copy, be amended as follows:

1. Page 2, line 1.

Strike: "and"

2. Page 2, line 3.

Following: "penitentiary"

Insert: "; and"

(8) if required by the city or town in which the fire department is established, must be a qualified voter of the city or town"

Amendment **not** adopted as follows:

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Yeas: B. Beck, Blyton, Brodehl, Connell, Cook, Cuffe, Ehli, Evans, Greef, Hale, Harris, Knox, MacLaren, More, Squires, Stahl, Taylor, Warburton.

Total 18

Nays: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Burnett, Clark, Court, Driscoll, Edmunds, Esp, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Swanson, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 81

Excused: Miller.

Total 1

Absent or not voting: None.

Total 0

SB 222 - Representative Knox moved **SB 222** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 90

Nays: Burnett, Flynn, Hoven, Howard, Kerns, McGillvray, O'Neil, Wagner, Mr. Speaker.

Total 9

Excused: Miller.

Total 1

Absent or not voting: None.

Total 0

SB 307 - Representative Knox moved **SB 307** be concurred in. Motion carried as follows:

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Blasdel, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: Miller.

Total 1

Absent or not voting: None.

Total 0

SB 327 - Representative Di. Barrett moved **SB 327** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Court, Cuffe, Driscoll, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Menahan, Noonan, O'Neil, Pease-Lopez, Peterson, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer, Mr. Speaker.

Total 49

Nays: Arntzen, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McNiven, Mehlhoff, More, O'Hara, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates.

Total 49

Excused: Miller.

Total 1

Absent or not voting: Phillips.

Total 1

SB 337 - Representative K. Peterson moved **SB 337** be concurred in.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

SB 337 - Representative K. Peterson moved **SB 337**, second reading copy, be amended as follows:

1. Page 4, line 13.

Following: "pleading"

Insert: "if the person is represented by an attorney"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Miller.

Total 1

Absent or not voting: None.

Total 0

SB 337 - Representative K. Peterson moved **SB 337**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees,

Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Total 96

Nays: Hale, MacLaren, Welborn.

Total 3

Excused: Miller.

Total 1

Absent or not voting: None.

Total 0

HB 271 - Senate Amendments - Representative Kerns moved Senate amendments to **HB 271** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 593 - Senate Amendments - Representative Ankney moved Senate amendments to **HB 593** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Total 72

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 616 - Representative Randall moved **HB 616** do pass.

HB 616 - Representative Randall moved **HB 616**, second reading copy, be amended as follows:

1. Title, page 1, line 5 through line 10.

Strike: "REVISING" on line 5 through "COLLECTED;" on line 10

2. Title, page 1, line 15.

Strike: "PROVIDING" through "REFUNDS;"

3. Title, page 1, line 16.

Strike: "SECTIONS" through "15-7-111,"

Insert: "SECTION"

Strike: "15-7-202, AND 17-7-502,"

4. Title, page 1, line 17.

Strike: "AND" through "DATES"

5. Page 3, line 6 through page 8, line 9.

Strike: section 2 through section 5 in their entirety

Renumber: subsequent sections

6. Page 8, line 20.

Strike: "Subject to [section 2], in"

Insert: "In"

7. Page 10, line 21 through page 14, line 11.

Strike: section 7 through section 8 in their entirety

Renumber: subsequent sections

8. Page 14, line 18 through line 21.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Strike: section 11 in its entirety

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Evans, Warburton.

Total 2

Excused: Miller.

Total 1

Absent or not voting: None.

Total 0

HB 616 - Representative Randall moved **HB 616**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Edmunds moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Yates.

Total 73

Nays: Barrett, B. Bennett, Boland, Furey, Hands, Hill, Hiner, Malek, McClafferty, Mehlhoff, Noonan, O'Neil, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.

Total 22

Excused: Evans, Miller, Mr. Speaker.

Total 3

Absent or not voting: Phillips, Welborn.

Total 2

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman):

3/29/2011

SB 218, be concurred in. Report adopted.

SB 237, be concurred in. Report adopted.

SB 296, be concurred in. Report adopted.

SJR 15, be amended as follows:

1. Page 2, line 4.

Following: "involved;"

Insert: "and"

2. Page 2, line 6 through line 8.

Strike: "; and" on line 6 through "decisions" on line 8

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

And, as amended, be concurred in. Report adopted.

TAXATION (Blasdel, Chairman):
HB 641, do pass. Report adopted.

3/29/2011

MOTIONS

Representative McGillvray moved **HB 595** be moved from the Committee of the Whole after Second Reading to the Appropriations committee. Representative Stahl objected.

Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Esp, Flynn, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Price, Randall, Read, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Wagner, Washburn, Williams, Wilmer.

Total 67

Nays: Arntzen, B. Beck, G. Bennett, Ehli, Fitzpatrick, Hale, Hansen, Harris, Howard, Knox, Knudsen, Lavin, McNiven, More, O'Neil, Osmundson, Peterson, Regier, Reichner, Salomon, Skees, Stahl, Vance, Warburton, Welborn, Yates.

Total 26

Excused: Evans, Miller, Mr. Speaker.

Total 3

Absent or not voting: Blasdel, Brodehl, Phillips, Skattum.

Total 4

Representative Belcourt moved that **HB 157** be taken from Appropriations and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Boland, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Knox, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Price, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Welborn, Williams, Yates.

Total 39

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - MARCH 29, 2011

Harris, Hendrick, Hollandsworth, Hoven, Ingraham, Kary, Kerns, Klock, Knudsen, Loney, MacDonald, MacLaren, McGillvray, McNutt, More, O'Hara, Osmundson, Peterson, Read, Regier, Roberts, Small, C. Smith, Stahl, Warburton, Washburn, Wilmer.
Total 49

Excused: Evans, Miller, Mr. Speaker.
Total 3

Absent or not voting: Court, Howard, Lavin, McNiven, Pease-Lopez, Phillips, Randall, Reichner, Skattum.
Total 9

Representative McGillvray moved to appoint a Conference Committee on **HB 593** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
3/29/2011

Representative Ankney
Representative McChesney
Representative Stahl

Representative McGillvray moved to appoint a Conference Committee on **HB 271** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
3/29/2011

Representative Kerns
Representative Mehlhoff
Representative Skattum

Representative Knox rose on a point of order about members not voting.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 10:00 a.m., Wednesday, March 30, 2011. Motion carried.

House adjourned at 6:22 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SEVENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 30, 2011

House Chambers
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Reichner.
Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman):

3/30/2011

Correctly printed: **SB 110, SB 199, SB 228, SB 288, SB 298, SB 333, SB 357, SB 376.**

Correctly engrossed: **HB 1, HB 642, SB 126, SB 153, SB 234, SB 340.**

Delivered to the Governor for approval at 8:55 a.m., March 30, 2011: **HB 49, HB 77, HB 90, HB 110, HB 116, HB 131, HB 134, HB 225, HB 256, HB 315, HB 342, HB 528.**

Delivered to the Secretary of State at 9:15 a.m., March 30, 2011: **HJR 19.**

Signed by the Speaker at 9:20 a.m., March 30, 2011: **HB 30, HB 41, HB 102, HB 123, HB 135, HB 185, HB 269, HB 391, HB 430, HB 487, HB 498, HB 594.**

Signed by the Chief Clerk of the House at 8:30 a.m., March 30, 2011: **HB 30, HB 41, HB 102, HB 123, HB 135, HB 185, HB 269, HB 391, HB 430, HB 487, HB 498, HB 594.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman):

3/29/2011

SB 126, be amended as follows:

1. Title, line 4.

Following: "LICENSING"

Insert: "REQUIREMENTS AND"

2. Title, line 6.

Following: "LICENSURE"

Insert: "EXEMPTING CERTAIN FIRMS, NURSERIES, PLANT DEALERS, AND SMALL PLANT VENDORS FROM LICENSURE;"

3. Page 1, line 20.

Following: "VENDOR"

Insert: "is required to be licensed and"

4. Page 1, line 20 through line 23.

Following: "stock" on line 20

Strike: remainder of line 20 through "more" on line 23

Insert: ", the firm, nursery, plant dealer, or small plant vendor shall obtain a license for each taxpayer identification number the firm, nursery, plant dealer, or small plant vendor uses when selling or distributing nursery stock"

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

5. Page 1, line 24.

Following: "VENDOR"

Insert: "is not required to obtain a license in Montana if the firm, nursery, plant dealer, or small plant vendor:
(i) is"

6. Page 1, line 24 through line 25.

Strike: "is not" on line 24 through "if" on line 25

Insert: "and"

7. Page 1, line 26.

Strike: "basis"

Insert: ";

(ii) operates only in Montana and has less than \$1,000 in annual sales of nursery stock;
or

(iii) buys all of its nursery stock from one or more licensed firms, nurseries, plant dealers, or small plant vendors.

(c) A firm, nursery, plant dealer, or small plant vendor that is not required to obtain a license pursuant to subsection (1)(b)(iii) shall provide its address or primary business location and the name and contact information of its principal contact person to the department"

8. Page 2, line 2.

Following: "earns"

Insert: "at least \$1,000 but"

9. Page 2, line 7.

Strike: "\$95"

Insert: "\$100"

10. Page 2, line 25.

Following: "schedule"

Insert: ", "

Strike: "and"

Insert: "the"

11. Page 2, line 27.

Following: "pests"

Insert: ", and the expected amount of time for the inspections"

And, as amended, be concurred in. Report adopted.

BUSINESS AND LABOR (Arntzen, Chairman):

3/30/2011

SB 228, be concurred in. Report adopted.

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

LOCAL GOVERNMENT (MacLaren, Chairman):

3/29/2011

SB 234, be amended as follows:

1. Title, page 1, line 5 through line 6.

Strike: "WHEN" on line 5 through "SERVICE" on line 6

2. Page 1, line 13 and 14.

Strike: "(1)"

Following: "area"

Strike: "receiving" on line 13 through "from" on line 14

Insert: "within the service area of"

3. Page 1, line 15.

Strike: "competitive or similar"

Following: "service"

Insert: "or impose charges or assessments for services not provided"

4. Page 1, line 29 and 30.

Strike: "FOR 5 YEARS FOLLOWING ANNEXATION OR INCORPORATION"

5. Page 2, line 2 through line 7.

Strike: subsections (2) and (3) in their entirety

6. Page 2, line 12.

Following: "elect to"

Insert: "elect to"

7. Page 2, line 14 through line 16.

Strike: " , including " on page 2, line 14 through "69-12-314" on page 2, line 16

And, as amended, be concurred in. Report adopted.

SB 298, be concurred in. Report adopted.

SB 340, be amended as follows:

1. Page 1, line 13.

Strike: "The"

Insert: "Subject to the provisions of Title 76, chapter 13, part 1, the"

2. Page 1, line 14.

Following: "which"

Insert: ", subject to 76-13-121,"

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

3. Page 1, line 22.

Following: "CONDUCTED"

Insert: ", subject to 76-13-121,"

Strike: "MAY 1"

Insert: "April 30"

And, as amended, be concurred in. Report adopted.

SB 357, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bill not concurred in and returned to the House: 3/28/2011

HB 292, introduced by Kennedy

Senate bill passed and transmitted to the House for concurrence: 3/29/2011

SB 358, introduced by Buttrey

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 28, introduced by MacDonald, Malek, Hoven, F. Smith, Noonan, Pease-Lopez, Furey, K. Williams, McClafferty, Salomon, Read, referred to Agriculture.

The following Senate bill was introduced, read first time, and referred to committee:

SB 358, introduced by Buttrey, referred to Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Randall in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 153 - Representative Menahan moved **SB 153** be concurred in.

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

SB 153 - Representative Menahan moved **SB 153**, second reading copy, be amended as follows:

1. Page 1, line 26.

Strike: "or (3)"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 94

Nays: Fitzpatrick, Hale, Knox, Welborn.
Total 4

Excused: None.
Total 0

Absent or not voting: Lavin, Skattum.
Total 2

SB 153 - Representative Menahan moved **SB 153**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Greef, Hale, Hansen, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.
Total 83

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Nays: Barrett, B. Beck, Belcourt, B. Bennett, Esp, Gibson, Hands, Harris, Hiner, Malek, Mehlhoff, Noonan, F. Smith, Squires, Warburton, Williams.
Total 16

Excused: None.
Total 0

Absent or not voting: O'Neil.
Total 1

HB 642 - Representative Blasdel moved **HB 642** do pass.

HB 642 - Representative K. Williams moved **HB 642**, second reading copy, be amended as follows:

1. Page 4, line 4.

Strike: "and"

2. Page 4.

Following: line 4

Insert: "(viii) the potential for new technologies to advance the development of innovative natural resource industries and sectors in Montana; and"

Renumber: subsequent subsection

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Greef, Hale, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Williams, Wilmer, Yates, Mr. Speaker.
Total 86

Nays: B. Beck, Burnett, Cuffe, Gibson, Hansen, Harris, Howard, Kary, O'Neil, Regier, Roberts, Washburn.
Total 12

Excused: None.
Total 0

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Absent or not voting: G. Bennett, Welborn.

Total 2

Representative Wagner moved to change his vote on the amendment to **HB 642** from Not Voting to Yes. Without objection, so ordered.

HB 642 - Representative Blasdel moved **HB 642**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Esp, Gibson, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Ingraham, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Miller, More, O'Hara, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 67

Nays: Barrett, B. Beck, Belcourt, Boland, Burnett, Court, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Greef, Hale, Harris, Hoven, Howard, Hunter, Kary, Kennedy, Klock, MacDonald, McChesney, McClafferty, McNutt, Noonan, O'Neil, Phillips, Price, Roberts, Schmidt, Skattum, Taylor.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 221 - Representative Noonan moved **SB 221** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 80

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Nays: G. Bennett, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Flynn, Hale, Hendrick, Kennedy, Kerns, Knox, Lavin, More, Osmundson, Read, Skattum, Skees, Wagner.

Total 19

Excused: None.

Total 0

Absent or not voting: Malek.

Total 1

HB 641 - Representative Hands moved **HB 641** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Furey, Greef, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 72

Nays: G. Bennett, Blyton, Brodehl, Burnett, Cuffe, Esp, Fitzpatrick, Flynn, Gibson, Hale, Hendrick, Hollandsworth, Howard, Kary, Kennedy, Kerns, Knox, McGillvray, More, O'Neil, Osmundson, Skattum, C. Smith, Taylor, Wagner, Warburton.

Total 26

Excused: None.

Total 0

Absent or not voting: Harris, Loney.

Total 2

SB 124 - Representative Menahan moved **SB 124** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 135 - Representative Washburn moved **SB 135** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Greef, Hale, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

Nays: Boland, Court, Driscoll, Flynn, Gibson, Hands, Harris, McClafferty.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 173 - Representative Blasdel moved **SB 173** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl,

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates,
Mr. Speaker.
Total 84

Nays: Barrett, B. Bennett, Court, Driscoll, Furey, Hands, Hill, MacDonald, Malek, McNally,
Pease-Lopez, Peterson, Price, Reinhart, Sands, Schmidt.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Randall moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.
Total 96

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Furey, McNally, Wagner, Mr. Speaker.
Total 4

House Recessed.
House Reconvened.

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

REPORTS OF STANDING COMMITTEES

TAXATION (Blasdel, Chairman):

3/30/2011

SB 110, be concurred in. Report adopted.

SB 199, be concurred in. Report adopted.

SB 288, be concurred in. Report adopted.

SB 333, be concurred in. Report adopted.

SB 376, be concurred in. Report adopted.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Randall in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 212 - Representative Knudsen moved **SB 212** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

SB 241 - Representative More moved **SB 241** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Small.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Randall moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Ankney, O'Hara, Reichner, Swanson.

Total 4

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

House Recessed.
House Reconvened.

Roll Call. All members present. Quorum present.

MOTIONS

Representative McGillvray moved to suspend the rules, and place **HB 641** on Third Reading today. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 627 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Sesso, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 62

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hiner, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Miller, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Skattum, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 33

Excused: None.
Total 0

Absent or not voting: Belcourt, Hill, Hollenbaugh, Menahan, Noonan.
Total 5

SB 42 concurred in as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Court, Driscoll, Edmunds, Evans, Fitzpatrick, Flynn, Furey, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl,

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Swanson, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 65

Nays: Ankney, Belcourt, G. Bennett, Berry, Blyton, Cook, Cuffe, Ehli, Esp, Gibson, Hale, Hendrick, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, McNiven, McNutt, Miller, More, O'Neil, Randall, Read, Rosendale, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Welborn.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 97 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Mehlhoff, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 62

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Gibson, Hale, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 100 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek,

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: Kerns, Noonan.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 108 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 72

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 136 concurred in as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Cook, Cuffe, Edmunds, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read,

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Regier, Reichner, Reinhart, Salomon, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.
Total 69

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Burnett, Connell, Court, Driscoll, Ehli, Esp, Hale, Hands, Hill, Hollenbaugh, MacLaren, McNiven, Mehlhoff, Menahan, Noonan, Pease-Lopez, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, Swanson, Wagner, Welborn, Yates.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 156 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 91

Nays: G. Bennett, Berry, Blyton, Burnett, Edmunds, Hale, Kennedy, Kerns, Skattum.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 274 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale,

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton,
Washburn, Mr. Speaker.
Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Gibson, Hands, Hill,
Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan,
Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith,
Squires, Swanson, Welborn, Williams, Wilmer, Yates.
Total 36

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 334 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,
Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp,
Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner,
Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen,
Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally,
McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson,
Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts,
Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith,
Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer,
Yates, Mr. Speaker.
Total 94

Nays: Edmunds, Hale, Kennedy, Kerns, More, Wagner.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 603 passed as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark,
Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hollandsworth,
Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren,
McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read,

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 59

Nays: Ankney, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 41

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 616 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 629 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt,

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 636 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Burnett, Esp, Flynn, Kary, Kerns, Knox, McGillvray, O'Neil, Randall, Skattum, Skees, C. Smith.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 222 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Cook, Court, Driscoll, Edmunds, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter,

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: G. Bennett, Blasdel, Burnett, Connell, Cuffe, Esp, Evans, Flynn, Hale, Hoven, Kennedy, Kerns, McGillvray, O'Neil, Skattum, C. Smith, Wagner.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 307 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 72

Nays: Barrett, B. Bennett, Boland, Driscoll, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 337 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll,

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Hale, Hendrick, MacLaren, Warburton.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 43 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 73

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Esp, Flynn, Hale, Hansen, Hendrick, Hollandsworth, Howard, Kennedy, Kerns, Knox, Lavin, McGillvray, McNiven, Miller, More, Osmundson, Regier, Salomon, Skattum, Skees, C. Smith, Vance, Wagner.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 352 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Hale, Stahl.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 367 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Belcourt, Peterson.

Total 2

Excused: None.

Total 0

Absent or not voting: Edmunds.

Total 1

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

SB 641 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Burnett, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Furey, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Welborn, Williams, Wilmer, Yates.

Total 72

Nays: G. Bennett, Blyton, Brodehl, Clark, Cuffe, Esp, Fitzpatrick, Flynn, Gibson, Hale, Harris, Howard, Kary, Kennedy, Kerns, Knox, Loney, McGillvray, Miller, More, Osmundson, Skattum, C. Smith, Taylor, Wagner, Warburton, Mr. Speaker.

Total 27

Excused: None.

Total 0

Absent or not voting: Peterson.

Total 1

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Randall in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 268 - Representative McGillvray moved consideration of **SB 268** be passed for the day. Motion carried.

SB 255 - Representative Welborn moved **SB 255** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cuffe, Edmunds, Esp, Evans, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 57

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Burnett, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 311 - Representative Stahl moved **SB 311** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Flynn, Hendrick, Kerns, Loney, Malek, Osmundson, Skattum, Warburton.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 59 - Representative Sands moved **SB 59** be concurred in.

SB 59 - Representative Kary moved **SB 59**, second reading copy, be amended as follows:

1. Page 2, line 14.

Following: "as"

Insert: "the center of the family,"

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Amendment adopted as follows:

Yeas: Barrett, G. Bennett, Berry, Blasdel, Blyton, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Furey, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Hunter, Kary, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McClafferty, McGillvray, McNiven, Mehlhoff, More, Noonan, O'Neil, Osmundson, Randall, Read, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Yates.

Total 55

Nays: Ankney, Arntzen, Bangerter, Belcourt, B. Bennett, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Fitzpatrick, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollenbaugh, Howard, Ingraham, Klock, MacDonald, McChesney, McNally, McNutt, Menahan, Miller, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Regier, Roberts, Small, F. Smith, Swanson, Welborn, Wilmer, Mr. Speaker.

Total 42

Excused: None.

Total 0

Absent or not voting: B. Beck, Flynn, Kennedy.

Total 3

SB 59 - Representative Sands moved **SB 59**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Vance, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 63

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Hale, Harris, Hendrick, Hollandsworth, Kary, Kennedy, Kerns, Knox, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Wagner, Warburton, Washburn.

Total 34

Excused: None.

Total 0

Absent or not voting: B. Beck, Esp, Flynn.

Total 3

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

SB 74 - Representative Wagner moved **SB 74** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: B. Beck, McNiven.

Total 2

SB 76 - Representative Loney moved **SB 76** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Brodehl, Lavin.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

SB 91 - Representative McNiven moved **SB 91** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 91

Nays: Blasdel, Blyton, Esp, Howard, Kennedy, Miller, Skattum, C. Smith, Welborn.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 109 - Representative Knox moved **SB 109** be concurred in.

SB 109 - Representative Phillips moved **SB 109**, second reading copy, be amended as follows:

1. Page 2, line 23.

Following: "~~that:~~"

Insert: ", in the case of a hydroelectric project that has a nameplate rating of 25 megawatts or less"

2. Page 7.

Following: line 9

"COORDINATION SECTION. **Section 2. Coordination instruction.** If House Bill No. 59 and [this act] are both passed and approved, then [section 3 of House Bill No. 59], a coordination section, is void, the sections amending 69-3-2003 in House Bill No. 59 and [this act] are void, and 69-3-2003 must be amended as follows:

"69-3-2003. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Ancillary services" means services or tariff provisions related to generation and delivery of electric power other than simple generation, transmission, or distribution. Ancillary services related to transmission services include energy losses, energy imbalances, scheduling and dispatching, load following, system protection, spinning reserves and nonspinning reserves, and reactive power.

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

(2) "Balancing authority" means a transmission system control operator who balances electricity supply and load at all times to meet transmission system operating criteria and to provide reliable electric service to customers.

(3) "Common ownership" means the same or substantially similar persons or entities that maintain a controlling interest in more than one community renewable energy project even if the ownership shares differ between two community renewable energy projects. Two community renewable energy projects may not be considered to be under common ownership simply because the same entity provided debt or equity or both debt and equity to both projects.

(4) "Community renewable energy project" means an eligible renewable resource that:

(a) is interconnected on the utility side of the meter in which local owners have a controlling interest and that is less than or equal to 25 megawatts in total calculated nameplate capacity; or

(b) is owned by a public utility and has less than or equal to 25 megawatts in total nameplate capacity.

(5) (a) "Competitive electricity supplier" means any person, corporation, or governmental entity that is selling electricity to small customers at retail rates in the state of Montana and that is not a public utility or cooperative.

(b) The term does not include governmental entities selling electricity produced only by facilities generating less than 250 kilowatts that were in operation prior to 1990.

(6) "Compliance year" means each calendar year beginning January 1 and ending December 31, starting in 2008, for which compliance with this part must be demonstrated.

(7) "Cooperative utility" means:

(a) a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18; or

(b) an existing municipal electric utility as of May 2, 1997.

(8) "Dispatch ability" means the ability of either a balancing authority or the owner of an electric generating resource to rapidly start, stop, increase, or decrease electricity production from that generating resource in order to respond to the balancing authority's need to match supply resources to loads on the transmission system.

(9) "Electric generating resource" means any plant or equipment used to generate electricity by any means.

(10) "Eligible renewable resource" means a facility either located within Montana or delivering electricity from another state into Montana that, except as provided in subsection (10)(d)(ii), commences commercial operation after January 1, 2005, and that produces electricity from one or more of the following sources:

(a) wind;

(b) solar;

(c) geothermal;

(d) (i) water power, in the case of a hydroelectric project that:

~~—— (i) does not require a new appropriation, diversion, or impoundment of water and that has a nameplate rating of 10 megawatts or less; or~~

~~—— (ii) is installed at an existing reservoir or on an existing irrigation system that does not have hydroelectric generation as of April 16, 2009, and has a nameplate capacity of 15 megawatts or less; has a nameplate rating of 25 megawatts or less; or~~

(ii) water power in the case of a hydroelectric project that is an expansion of a hydroelectric project that commenced commercial operation before December 31, 2004, that increases generation capacity on or after [the effective date of this act]. The eligible renewable

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

resource includes only the actual amount of increased generation capacity produced by the project as a result of the expansion.

- (e) landfill or farm-based methane gas;
- (f) gas produced during the treatment of wastewater;
- (g) low-emission, nontoxic biomass based on dedicated energy crops, animal wastes, or solid organic fuels from wood, forest, or field residues, except that the term does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chroma-arsenic;
- (h) hydrogen derived from any of the sources in this subsection (10) for use in fuel cells;
- (i) the renewable energy fraction from the sources identified in subsections (10)(a) through (10)(j) of electricity production from a multiple-fuel process with fossil fuels; and
- (j) compressed air derived from any of the sources in this subsection (10) that is forced into an underground storage reservoir and later released, heated, and passed through a turbine generator.

(11) "Local owners" means:

- (a) Montana residents or entities composed of Montana residents;
- (b) Montana small businesses;
- (c) Montana nonprofit organizations;
- (d) Montana-based tribal councils;
- (e) Montana political subdivisions or local governments;
- (f) Montana-based cooperatives other than cooperative utilities; or
- (g) any combination of the individuals or entities listed in subsections (11)(a) through (11)(f).

(12) "Nonspinning reserve" means offline generation that can be ramped up to capacity and synchronized to the grid within 10 minutes and that is needed to maintain system frequency stability during emergency conditions, unforeseen load swings, and generation disruptions.

(13) "Public utility" means any electric utility regulated by the commission pursuant to Title 69, chapter 3, on January 1, 2005, including the public utility's successors or assignees.

(14) "Renewable energy credit" means a tradable certificate of proof of 1 megawatt hour of electricity generated by an eligible renewable resource that is tracked and verified by the commission and includes all of the environmental attributes associated with that 1 megawatt-hour unit of electricity production.

(15) "Seasonality" means the degree to which an electric generating resource is capable of producing electricity in each of the seasons of the year.

(16) "Small customer" means a retail customer that has an individual load with an average monthly demand of less than 5,000 kilowatts.

(17) "Spinning reserve" means the online reserve capacity that is synchronized to the grid system and immediately responsive to frequency control and that is needed to maintain system frequency stability during emergency conditions, unforeseen load swings, and generation disruptions.

(18) "Total calculated nameplate capacity" means the calculation of total nameplate capacity of the community renewable energy project and other eligible renewable resources that are:

- (a) located within 5 miles of the project;
- (b) constructed within the same 12-month period; and

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

(c) under common ownership."

Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Swanson, Wilmer.
Total 28

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.
Total 71

Excused: Kennedy.
Total 1

Absent or not voting: None.
Total 0

SB 109 - Representative Knox moved **SB 109** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Connell, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 34

Excused: None.
Total 0

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Absent or not voting: None.

Total 0

SB 111 - Representative Berry moved **SB 111** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hale, Hansen, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, More, O'Hara, Osmundson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 64

Nays: Bangerter, Barrett, B. Bennett, Boland, Court, Cuffe, Driscoll, Edmunds, Flynn, Furey, Hands, Harris, Hill, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McClafferty, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Peterson, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 114 - Representative Wagner moved **SB 114** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 61

Nays: Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 38

Excused: None.

Total 0

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Absent or not voting: Bangerter.

Total 1

SB 115 - Representative Kary moved **SB 115** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 118 - Representative Phillips moved **SB 118** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Hale.

Total 1

Excused: None.

Total 0

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Absent or not voting: None.

Total 0

SB 54 - Representative Ingraham moved **SB 54** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Randall moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 73

Nays: B. Bennett, Boland, Court, Furey, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson.

Total 24

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Excused: Kennedy.

Total 1

Absent or not voting: Hands, Reichner.

Total 2

MOTIONS

Representative McGillvray moved **HB 642** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **SB 255** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative Sesso moved to reconsider **SB 327** and place on Second Reading. Without objection, so ordered.

Representative Roberts moved that **SB 272** be taken from Human Services and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Ankney, Arntzen, Berry, Blasdel, Burnett, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Fitzpatrick, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Klock, Knox, Lavin, Loney, MacLaren, McChesney, McNally, McNutt, O'Neil, Pease-Lopez, Peterson, Roberts, Salomon, Sands, Small, F. Smith, Stahl, Williams, Mr. Speaker.

Total 39

Nays: Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blyton, Boland, Brodehl, Clark, Driscoll, Esp, Furey, Hands, Hill, Hiner, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kerns, Knudsen, MacDonald, Malek, McClafferty, McGillvray, McNiven, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Phillips, Price, Randall, Read, Regier, Reinhart, Rosendale, Schmidt, Sesso, Skattum, Skees, C. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Wilmer, Yates.

Total 56

Excused: Kennedy.

Total 1

Absent or not voting: Evans, Flynn, Reichner, Welborn.

Total 4

Representative McClafferty moved that **SB 141** be taken from Education and brought before the Committee of the Whole.

HOUSE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 30, 2011

Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer, Yates.
Total 34

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 63

Excused: Kennedy.
Total 1

Absent or not voting: Evans, Reichner.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 10:00 a.m., Thursday, March 31, 2011. Motion carried.

House adjourned at 3:02 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SEVENTY-SECOND LEGISLATIVE DAY**

Helena, Montana
March 31, 2011

House Chambers
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Warburton.
Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman):

3/31/2011

Correctly printed: **SB 225, SB 255, SB 312, SB 382, SB 413.**

Correctly engrossed: **SB 59, SB 179, SB 210, SB 299.**

Correctly enrolled: **HB 334.**

Examined by the sponsor and found to be correct: **HB 334.**

Signed by the Speaker at 1:45 p.m., April 4, 2011: **HB 334.**

Signed by the Chief Clerk of the House at 1:20 p.m., March 31, 2011: **HB 334.**

Delivered to the Governor for approval at 8:50 a.m., March 31, 2011: **HB 30, HB 41, HB 102,
HB 123, HB 135, HB 185, HB 269, HB 391, HB 430, HB 487, HB 498, HB 594.**

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):

3/31/2011

SB 255, be concurred in. Report adopted.

TAXATION (Blasdel, Chairman):

3/31/2011

SB 382, be concurred in. Report adopted.

SB 413, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

3/30/2011

SB 157, introduced by Van Dyk

SB 187, introduced by Shockley

SB 214, introduced by Gillan

SB 265, introduced by Hamlett

SB 326, introduced by Larsen

SB 331, introduced by Jent

SB 359, introduced by Caferro

SB 390, introduced by Jones

SB 397, introduced by Kaufmann

SB 400, introduced by Vincent

SB 406, introduced by Essmann

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

SB 411, introduced by Erickson
SB 412, introduced by Augare
SB 414, introduced by Vincent
SB 415, introduced by Lake
SB 417, introduced by Buttrey
SB 418, introduced by Wittich
SB 420, introduced by Gallus
SB 421, introduced by Shockley
SB 424, introduced by C. Williams
SB 426, introduced by Balyeat

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

3/30/2011

HB 2, introduced by McNutt

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 644, introduced by MacLaren, J. Peterson, McGillvray, Milburn, referred to Business and Labor.

The following Senate bills were introduced, read first time, and referred to committees:

SB 157, introduced by Van Dyk, Hunter, O'Hara, Blewett, Vincent, Gillan, Facey, Essmann, referred to Fish, Wildlife and Parks.

SB 187, introduced by Shockley, Jent, referred to Judiciary.

SB 214, introduced by Gillan, McClafferty, Facey, Hawks, referred to Taxation.

SB 265, introduced by Hamlett, Murphy, Jones, McNutt, Larsen, Brown, McChesney, Wilmer, referred to Taxation.

SB 326, introduced by Larsen, Moss, Furey, Beck, Branae, Gallus, Jent, Facey, Belcourt, O'Hara, Erickson, Steinbeisser, Greef, C. Williams, Wanzenried, Keane, Shockley, Brown, Murphy, Blewett, Augare, Hamlett, B. Bennett, Van Dyk, Zinke, Arthun, Hawks, referred to State Administration.

SB 331, introduced by Jent, referred to Business and Labor.

SB 359, introduced by Caferro, referred to Transportation.

SB 390, introduced by Jones, referred to Fish, Wildlife and Parks.

SB 397, introduced by Kaufmann, referred to State Administration.

SB 400, introduced by Vincent, Ripley, Stahl, Brenden, Lewis, Taylor, referred to Fish, Wildlife and Parks.

SB 406, introduced by Essmann, referred to Taxation.

SB 411, introduced by Erickson, referred to Taxation.

SB 412, introduced by Augare, Ankney, Belcourt, Blasdel, Evans, Hendrick, O'Hara, Pease-Lopez, Small, F. Smith, Welborn, Buttrey, Facey, Gillan, Jones, Kaufmann, Sonju, Steinbeisser, Stewart-Peregoy, Vincent, C. Williams, Windy Boy, Zinke, referred to Taxation.

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

SB 414, introduced by Vincent, Hamlett, Zinke, Brenden, Balyeat, Hinkle, Cuffe, Walker, Lewis, Hutton, J. Peterson, Tutvedt, Murphy, Mowbray, Augare, Jackson, Brown, De. Barrett, Ripley, Moore, Olson, Jones, Buttrey, Steinbeisser, Lake, Sonju, Kennedy, Essmann, Arthun, Priest, C. Smith, G. Bennett, referred to Appropriations.

SB 415, introduced by Lake, referred to Federal Relations, Energy, and Telecommunications.

SB 417, introduced by Buttrey, referred to Local Government.

SB 418, introduced by Wittich, referred to Business and Labor.

SB 420, introduced by Gallus, Keane, referred to Local Government.

SB 421, introduced by Shockley, referred to Judiciary.

SB 424, introduced by C. Williams, referred to Appropriations.

SB 426, introduced by Balyeat, referred to Taxation.

MOTIONS

Representative McGillvray moved **SB 233** be moved from the Committee of the Whole to the Federal Relations, Energy, and Telecommunications committee.

Representative McGillvray moved to add **SB 255** to today's third agenda. Without objection, so ordered.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Small in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 159 - Representative C. Smith moved **SB 159** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff,

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 297 - Representative Loney moved **SB 297** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 72

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 160 - Representative Loney moved **SB 160** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.
Total 79

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Nays: Bangerter, Barrett, Belcourt, Boland, Court, Driscoll, Hands, Hill, Malek, McClafferty, McNally, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Swanson, Williams.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 179 - Representative Lavin moved **SB 179** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Burnett, Edmunds, Hale, Kary, Kennedy, Kerns, Knox, O'Neil, Osmundson, Peterson, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 180 - Representative Lavin moved **SB 180** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, C. Smith, F. Smith,

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 85

Nays: Edmunds, Flynn, Hale, Hiner, Kennedy, Kerns, MacDonald, Malek, Miller, Osmundson, Pease-Lopez, Peterson, Skattum, Small, Wagner.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 206 - Representative K. Peterson moved **SB 206** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.
Total 95

Nays: More, Noonan, Sesso, Wagner, Yates.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 208 - Representative Malek moved **SB 208** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso,

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Small, F. Smith, Squires, Swanson, Taylor, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 61

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Esp, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Lavin, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Rosendale, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn.
Total 38

Excused: None.
Total 0

Absent or not voting: O'Hara.
Total 1

SB 210 - Representative Furey moved **SB 210** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 79

Nays: G. Bennett, Burnett, Cuffe, Esp, Greef, Harris, Hendrick, Kerns, Knox, Knudsen, Miller, More, O'Neil, Phillips, Randall, Rosendale, Skattum, Skees, Wagner, Warburton.
Total 20

Excused: None.
Total 0

Absent or not voting: Welborn.
Total 1

SB 213 - Representative F. Smith moved **SB 213** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips,

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Price, Randall, Read, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 75

Nays: Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Hansen, Hendrick, Kary, Kennedy, Kerns, Knox, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Regier, Reichner, Skattum, C. Smith, Stahl, Wagner.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 286 - Representative Berry moved **SB 286** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

HB 234 - Representative Hansen moved **HB 234** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham,

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Stahl.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

Chairman Small moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Wagner, Warburton.

Total 2

Excused: None.

Total 0

Absent or not voting: Connell, Randall, Small.

Total 3

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 124 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

SB 135 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Court, Driscoll, Hands, Harris, McClafferty, Noonan, Reinhart.

Total 7

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

SB 153 concurred in as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Greef, Hansen, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 78

Nays: Ankney, Barrett, Belcourt, B. Bennett, Esp, Furey, Gibson, Hale, Hands, Harris, Hiner, Malek, McClafferty, Mehlhoff, Noonan, Price, Sesso, F. Smith, Squires, Stahl, Warburton.

Total 21

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

SB 173 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: Barrett, B. Bennett, Court, Driscoll, Furey, Hands, Hill, MacDonald, Malek, McClafferty, Noonan, Pease-Lopez, Reinhart, Sands, Squires.

Total 15

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

SB 212 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 73

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Swanson, Williams, Wilmer.

Total 26

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

SB 221 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: G. Bennett, Blyton, Burnett, Cuffe, Edmunds, Esp, Hale, Hendrick, Kennedy, Kerns, Knox, More, Osmundson, Skattum, Skees, Wagner.

Total 16

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

SB 241 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

SB 54 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 64

Nays: Barrett, B. Beck, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 35

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

SB 59 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 61

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Esp, Hale, Harris, Hendrick, Hollandsworth, Howard, Kary, Kennedy, Kerns, Knox, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Warburton, Washburn.

Total 37

Excused: None.

Total 0

Absent or not voting: Flynn, Hiner.

Total 2

SB 74 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

SB 76 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Blasdel, Brodehl, Esp, Lavin, Skees.

Total 5

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

SB 91 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Blasdel, Esp, Miller, Skattum, C. Smith, Welborn.

Total 6

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

SB 109 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner,

Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

SB 111 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hale, Hansen, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, More, O'Hara, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 58

Nays: Barrett, B. Bennett, Boland, Court, Cuffe, Driscoll, Edmunds, Furey, Hands, Harris, Hendrick, Hill, Hollenbaugh, Hunter, Kennedy, Kerns, MacDonald, Malek, McClafferty, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands,

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Schmidt, Sesso, Skattum, Small, F. Smith, Squires, Stahl, Swanson, Welborn, Williams, Wilmer.
Total 41

Excused: None.
Total 0

Absent or not voting: Flynn.
Total 1

SB 114 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 62

Nays: Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 37

Excused: None.
Total 0

Absent or not voting: Flynn.
Total 1

SB 115 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith,

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Boland, Malek, McClafferty, Noonan, Price.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 311 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Cuffe, Hansen, Kerns, Loney, Osmundson, Skattum, Warburton.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 118 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Recessed.
House Reconvened.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 3/30/2011
SB 225, be concurred in. Report adopted.

NATURAL RESOURCES (Hendrick, Chairman): 3/30/2011
SB 299, be amended as follows:

1. Page 2, line 9.

Strike: "lands"

Insert: "stream or lake"

2. Page 2, line 11.

Strike: "were"

Insert: "constituted"

3. Page 2, line 12.

Strike: "the"

Insert: "an"

And, as amended, be concurred in. Report adopted.

SB 312, be concurred in. Report adopted.

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Small in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 223 - Representative Salomon moved **SB 223** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, Berry, Blyton, Boland, Clark, Connell, Cook, Cuffe, Driscoll, Ehli, Evans, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Kennedy, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McNally, McNiven, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Regier, Reichner, Roberts, Salomon, Schmidt, Sesso, Small, F. Smith, Stahl, Swanson, Washburn, Welborn, Williams, Wilmer, Yates.

Total 63

Nays: B. Bennett, G. Bennett, Blasdel, Brodehl, Burnett, Court, Edmunds, Esp, Fitzpatrick, Flynn, Harris, Hoven, Ingraham, Kary, Kerns, Knox, Knudsen, McClafferty, McGillvray, McNutt, More, O'Neil, Osmundson, Peterson, Randall, Reinhart, Rosendale, Sands, Skattum, Skees, C. Smith, Squires, Taylor, Vance, Wagner, Warburton.

Total 36

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

Representative Boland rose on a point of personal privilege to request more time be allowed when asking for discussion on bills.

SB 229 - Representative Hendrick moved **SB 229** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees,

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton,
Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 89

Nays: Burnett, Edmunds, Flynn, Howard, Kerns, Knox, Loney, O'Neil, Peterson, Rosendale,
Skattum.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 236 - Representative Blasdel moved **SB 236** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton,
Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn,
Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter,
Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven,
McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Regier, Reichner,
Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner,
Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 67

Nays: Barrett, B. Bennett, Boland, Court, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh,
MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Noonan,
Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, Small, F.
Smith, Squires, Swanson, Williams, Wilmer.
Total 33

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 246 - Representative Klock moved **SB 246** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,
Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans,
Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner,
Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox,
Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray,
McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil,

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Edmunds, Hendrick, Kerns, Skattum.

Total 4

Excused: None.

Total 0

Absent or not voting: Blasdel.

Total 1

SB 248 - Representative Ingraham moved **SB 248** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 254 - Representative McNiven moved **SB 254** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon,

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 64

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Burnett, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 275 - Representative MacLaren moved **SB 275** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Belcourt, Harris, Hollenbaugh, Hoven, Kennedy, McClafferty, Pease-Lopez.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 280 - Representative Salomon moved **SB 280** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Clark, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara,

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates.

Total 77

Nays: Blasdel, Brodehl, Burnett, Connell, Cuffe, Edmunds, Greef, Hale, Hendrick, Kary, Kennedy, Kerns, Knox, Miller, More, O'Neil, Skattum, Skees, C. Smith, Wagner, Welborn.

Total 21

Excused: None.

Total 0

Absent or not voting: Phillips, Mr. Speaker.

Total 2

SJR 11 - Representative McGillvray moved consideration of **SJR 11** be passed for the day. Motion carried.

SB 140 - Representative F. Smith moved **SB 140** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Small.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 306 - Representative Ankney moved **SB 306** be concurred in.

SB 306 - Representative MacDonald moved for cloture. Motion carried.

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

SB 306 - Representative Ankney moved **SB 306** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Ehli, Evans, Furey, Hands, Hill, Hollenbaugh, Hoven, Hunter, Lavin, MacDonald, MacLaren, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Skees, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 37

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 340 - Representative Knox moved **SB 340** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: Court.
Total 1

Excused: None.
Total 0

Absent or not voting: Evans.
Total 1

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Small moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 76

Nays: Barrett, B. Bennett, Boland, Driscoll, Furey, Hands, Hill, Hollenbaugh, MacDonald, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams.

Total 23

Excused: None.

Total 0

Absent or not voting: Evans.

Total 1

House Recessed.

House Reconvened.

MOTIONS

Representative McGillvray moved to add **SB 305** to today's third agenda. Without objection, so ordered.

SB 267 - Representative McGillvray moved consideration of **SB 267** be passed for the day. Motion carried.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Small in the chair.

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 327 - Representative Di. Barrett moved **SB 327** be concurred in.

SB 327 - Representative Cook moved **SB 327**, second reading copy, be amended as follows:

1. Page 1, line 27.

Following: "and"

Strike: " "

Insert: "and"

Strike: ", AND FISHERIES"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Williams.

Total 1

Excused: None.

Total 0

Absent or not voting: Evans, Salomon.

Total 2

SB 327 - Representative Di. Barrett moved **SB 327**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Boland, Burnett, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Furey, Gibson, Hale, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knox, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires,

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 68

Nays: G. Bennett, Berry, Blyton, Brodehl, Clark, Fitzpatrick, Flynn, Greef, Hansen, Harris, Howard, Kary, Kennedy, Kerns, Lavin, Loney, More, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Yates.

Total 30

Excused: None.

Total 0

Absent or not voting: Connell, Evans.

Total 2

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

Chairman Small moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Edmunds, Evans.

Total 2

House Recessed.

House Reconvened.

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence after the deadline: 3/31/2011
These bills will require a 2/3 vote to be considered by the House of Representatives.

SB 423, introduced by Essmann

SB 429, introduced by Wittich

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Small in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Senate Amendments - Representative McNutt moved Senate amendments to **HB 2** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 10 - Representative Read moved **SJR 10** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl,

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 3 - Representative Hendrick moved **SB 3** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 76

Nays: G. Bennett, Blyton, Burnett, Cuffe, Edmunds, Esp, Evans, Flynn, Hansen, Kennedy, Kerns, Knox, Malek, McGillvray, McNutt, More, Osmundson, Pease-Lopez, Peterson, C. Smith, Stahl, Vance, Wagner.

Total 23

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

SB 5 - Representative Hoven moved **SB 5** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 76

Nays: Blasdel, Brodehl, Burnett, Cuffe, Edmunds, Evans, Hansen, Kennedy, Kerns, Knox, Lavin, McGillvray, Osmundson, Peterson, Randall, Regier, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Welborn.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 9 - Representative Miller moved **SB 9** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Randall.

Total 1

Excused: None.

Total 0

Absent or not voting: McNiven.

Total 1

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

SB 55 - Representative Hendrick moved **SB 55** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 89 - Representative Hale moved **SB 89** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

SB 228 - Representative C. Smith moved **SB 228** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 57

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Connell, Court, Driscoll, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 42

Excused: None.

Total 0

Absent or not voting: McNiven.

Total 1

SB 356 - Representative Flynn moved **SB 356** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 77

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hoven, Hunter, MacDonald, Malek, McNally, Menahan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Squires, Swanson, Williams, Wilmer.

Total 22

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

SB 255 - Representative Welborn moved **SB 255** be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Malek, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 61

Nays: Ankney, Barrett, B. Bennett, Boland, Cook, Court, Ehli, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Loney, MacDonald, MacLaren, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 37

Excused: None.

Total 0

Absent or not voting: Belcourt, Driscoll.

Total 2

SB 305 - Representative Regier moved **SB 305** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 31, 2011

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Small moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Read, Regier, Roberts, Rosendale, Salomon, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.
Total 71

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams.
Total 23

Excused: Evans.
Total 1

Absent or not voting: Edmunds, Hoven, Randall, Reichner, Skattum.
Total 5

MOTIONS

Representative McGillvray moved to appoint a Free Conference Committee on **HB 2** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
3/31/2011

Representative McNutt
Representative Esp
Representative Sesso

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 10:00 a.m., Friday, April 1, 2011. Motion carried.

House adjourned at 5:38 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SEVENTY-THIRD LEGISLATIVE DAY**

Helena, Montana
April 1, 2011

House Chambers
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Hendrick.
Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman):

4/1/2011

Correctly engrossed: **SB 228, SB 290, SB 292, SB 305, SB 324, SB 327, SB 355, SB 370, SB 374, SJR 7.**

Correctly enrolled: **HB 66, HB 318, HB 421, HB 480, HB 508, HB 547, HB 566.**

Examined by the sponsor and found to be correct: **HB 66, HB 318, HB 480, HB 547, HB 566.**

Representative McGillvray moved that the House Republicans Caucus. Motion carried.

Representative Hands moved that the House Democrats Caucus. Motion carried.

House Recessed.

House Reconvened.

REPORTS OF STANDING COMMITTEES

FISH, WILDLIFE AND PARKS (Washburn, Chairman):

3/31/2011

SB 402, be concurred in. Report adopted.

HUMAN SERVICES (Howard, Chairman):

3/31/2011

SB 132, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/31/2011

HB 100, introduced by Vance

HB 122, introduced by Malek

HB 152, introduced by Washburn

HB 167, introduced by Regier

HB 172, introduced by Washburn

HB 249, introduced by Fitzpatrick

HB 341, introduced by C. Smith

HB 408, introduced by C. Smith

HB 525, introduced by McNiven

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

House bills concurred in and returned to the House:

3/31/2011

HB 66, introduced by Swanson
HB 318, introduced by Warburton
HB 421, introduced by Malek
HB 480, introduced by Menahan
HB 508, introduced by McNally
HB 547, introduced by K. Peterson
HB 566, introduced by Yates

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 29, introduced by Furey, Swanson, Squires, McClafferty, Court, Hill, MacDonald, Reinhart, Hoven, Read, Di. Barrett, referred to Agriculture.

MOTIONS

Representative McGillvray moved to suspend the rules and accept **SB 423**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Representative McGillvray moved to suspend the rules and accept **SB 429**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Barrett, Hands, Malek, Mehlhoff, Pease-Lopez, Squires.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 287 - Representative Hunter moved **SB 287** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith,

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Squires, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates,
Mr. Speaker.
Total 82

Nays: G. Bennett, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Hale, Ingraham, Kennedy, Kerns,
More, O'Neil, Randall, Skattum, Skees, Stahl, Wagner.
Total 17

Excused: None.
Total 0

Absent or not voting: C. Smith.
Total 1

SB 290 - Representative McNiven moved **SB 290** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel,
Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli,
Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick,
Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy,
Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney,
McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan,
O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier,
Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees,
Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton,
Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Bangerter.
Total 1

SB 292 - Representative Hoven moved **SB 292** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl,
Burnett, Clark, Connell, Cook, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef,
Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary,
Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray,
McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez,
Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees,

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 71

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 26

Excused: None.
Total 0

Absent or not voting: Arntzen, Cuffe, Wagner.
Total 3

SB 304 - Representative McGillvray moved consideration of **SB 304** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 320 - Representative McGillvray moved consideration of **SB 320** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 324 - Representative Skattum moved **SB 324** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 29

Excused: None.
Total 0

Absent or not voting: Evans, Hiner, McChesney, Noonan, Welborn.
Total 5

SB 355 - Representative Malek moved **SB 355** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl,

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 79

Nays: Edmunds, Flynn, Hale, Hendrick, Kary, Kennedy, Kerns, Knox, McGillvray, More, Skees, C. Smith, Wagner.

Total 13

Excused: None.

Total 0

Absent or not voting: B. Beck, G. Bennett, Blasdel, Loney, Peterson, Read, Skattum, Squires.

Total 8

SJR 7 - Representative Connell moved **SJR 7** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Esp, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

SB 183 - Representative More moved **SB 183** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Yates, Mr. Speaker.

Total 73

Nays: B. Bennett, Boland, Court, Furey, Hands, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Wilmer.

Total 19

Excused: None.

Total 0

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Absent or not voting: Bangerter, Barrett, Belcourt, McNutt, Noonan, Pease-Lopez, Reichner, Welborn.

Total 8

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 3 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Phillips, Price, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 73

Nays: Blasdel, Brodehl, Burnett, Edmunds, Esp, Flynn, Hale, Hansen, Howard, Kerns, Knox, Malek, McNutt, More, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Skattum, C. Smith, Vance, Wagner, Welborn.

Total 24

Excused: None.

Total 0

Absent or not voting: Bangerter, Cuffe, Reichner.

Total 3

SB 5 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 72

Nays: G. Bennett, Blasdel, Burnett, Edmunds, Hale, Hansen, Ingraham, Kennedy, Kerns, Knox, Lavin, McGillvray, O'Neil, Osmundson, Peterson, Randall, Regier, Roberts, Rosendale,

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Welborn.

Total 26

Excused: None.

Total 0

Absent or not voting: Bangerter, Reichner.

Total 2

SB 9 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bangerter, Reichner.

Total 2

SB 55 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bangerter, Reichner.

Total 2

SB 89 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bangerter, Kary, Reichner.

Total 3

SB 140 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bangerter, Reichner.

Total 2

SB 159 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 35

Excused: None.

Total 0

Absent or not voting: Bangerter, Reichner.

Total 2

SB 160 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Price, Randall, Read, Regier, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Nays: Barrett, Driscoll, Hands, Hill, Malek, McClafferty, McNally, Pease-Lopez, Peterson, Phillips, Reinhart, Sands, F. Smith, Squires, Swanson.
Total 15

Excused: None.
Total 0

Absent or not voting: Bangerter, Reichner.
Total 2

SB 179 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 85

Nays: Burnett, Edmunds, Esp, Kary, Kennedy, Kerns, Knox, McGillvray, More, O'Neil, Osmundson, Peterson, C. Smith, Wagner.
Total 14

Excused: None.
Total 0

Absent or not voting: Bangerter.
Total 1

SB 180 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Yates, Mr. Speaker.
Total 83

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Nays: G. Bennett, Cuffe, Edmunds, Flynn, Hale, Kennedy, Kerns, MacDonald, Malek, Miller, Osmundson, Pease-Lopez, Peterson, Skattum, Welborn, Wilmer.
Total 16

Excused: None.
Total 0

Absent or not voting: Bangerter.
Total 1

SB 206 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.
Total 90

Nays: Flynn, McClafferty, More, Noonan, Read, Sesso, Wagner, Yates.
Total 8

Excused: None.
Total 0

Absent or not voting: Bangerter, Hoven.
Total 2

SB 208 concurred in as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 52

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Esp, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Neil,

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Osmundson, Randall, Regier, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.
Total 47

Excused: None.
Total 0

Absent or not voting: Bangerter.
Total 1

SB 210 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 81

Nays: G. Bennett, Blasdel, Burnett, Cuffe, Harris, Hendrick, Kerns, Knudsen, Miller, More, O'Neil, Randall, Rosendale, Skattum, Skees, Wagner, Warburton, Welborn.
Total 18

Excused: None.
Total 0

Absent or not voting: Bangerter.
Total 1

SB 213 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Furey, Gibson, Greef, Hale, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 71

Nays: G. Bennett, Blyton, Burnett, Edmunds, Esp, Fitzpatrick, Flynn, Hansen, Harris, Hendrick, Kary, Kennedy, Kerns, Knox, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson,

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Read, Regier, Skattum, C. Smith, Stahl, Wagner, Welborn.

Total 28

Excused: None.

Total 0

Absent or not voting: Bangerter.

Total 1

SB 223 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Regier, Reichner, Salomon, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 63

Nays: G. Bennett, Blasdel, Brodehl, Burnett, Edmunds, Esp, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hoven, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNutt, More, O'Neil, Osmundson, Peterson, Randall, Read, Reinhart, Roberts, Rosendale, Sands, Skattum, Skees, C. Smith, Taylor, Vance, Wagner.

Total 36

Excused: None.

Total 0

Absent or not voting: Bangerter.

Total 1

SB 228 concurred in as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Edmunds, Ehli, Esp, Flynn, Hale, Hansen, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 52

Nays: Ankney, Barrett, Belcourt, B. Bennett, Berry, Boland, Connell, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F.

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 46

Excused: None.

Total 0

Absent or not voting: Bangerter, Cuffe.

Total 2

SB 229 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

Nays: Burnett, Cuffe, Edmunds, Flynn, Kennedy, Kerns, Knox, Loney, O'Neil, Peterson, Rosendale, Skattum, Welborn.

Total 13

Excused: None.

Total 0

Absent or not voting: Bangerter.

Total 1

SB 234 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Nays: Malek.

Total 1

Excused: None.

Total 0

Absent or not voting: Bangerter.

Total 1

SB 236 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 77

Nays: Barrett, B. Bennett, Boland, Court, Evans, Hands, Hill, MacDonald, MacLaren, Malek, McClafferty, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 22

Excused: None.

Total 0

Absent or not voting: Bangerter.

Total 1

SB 246 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Nays: Hale, Hendrick, Kennedy, Kerns, Skattum.

Total 5

Excused: None.

Total 0

Absent or not voting: Bangerter.

Total 1

SB 248 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bangerter.

Total 1

SB 254 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Burnett, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally,

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 36

Excused: None.
Total 0

Absent or not voting: Bangerter.
Total 1

SB 275 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 95

Nays: Belcourt, Harris, McClafferty, Pease-Lopez.
Total 4

Excused: None.
Total 0

Absent or not voting: Bangerter.
Total 1

SB 280 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 77

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Nays: G. Bennett, Blasdel, Brodehl, Burnett, Edmunds, Greef, Hale, Hendrick, Kary, Kennedy, Kerns, Knox, Miller, More, O'Neil, Randall, Rosendale, Skattum, Skees, C. Smith, Wagner, Welborn.

Total 22

Excused: None.

Total 0

Absent or not voting: Bangerter.

Total 1

SB 286 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bangerter.

Total 1

SB 297 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 70

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 28

Excused: None.

Total 0

Absent or not voting: Bangerter, Hunter.

Total 2

SB 306 concurred in as follows:

Yeas: Ankney, Arntzen, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, McChesney, McClafferty, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 62

Nays: Barrett, B. Beck, Belcourt, B. Bennett, Boland, Court, Driscoll, Ehli, Evans, Furey, Hands, Hill, Hollenbaugh, Hoven, Hunter, Lavin, MacDonald, MacLaren, Malek, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Skees, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 37

Excused: None.

Total 0

Absent or not voting: Bangerter.

Total 1

SB 327 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, Boland, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Furey, Gibson, Hale, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Williams, Wilmer, Mr. Speaker.

Total 62

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Nays: B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Fitzpatrick, Flynn, Greef, Hansen, Harris, Howard, Kary, Kennedy, Kerns, Knox, Lavin, Loney, McGillvray, More, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Washburn, Welborn, Yates.

Total 37

Excused: None.

Total 0

Absent or not voting: Bangerter.

Total 1

SB 340 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bangerter.

Total 1

SB 356 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 69

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Excused: None.

Total 0

Absent or not voting: Bangerter.

Total 1

SJR 10 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Esp, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: Bangerter.

Total 1

SB 255 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Edmunds, Esp, Evans, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 58

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 41

Excused: None.
Total 0

Absent or not voting: Bangerter.
Total 1

SB 305 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.
Total 31

Excused: None.
Total 0

Absent or not voting: Bangerter.
Total 1

House Recessed.
House Reconvened.

Roll Call. All members present, except Representative Warburton, excused. Quorum present.

Representative Wilmer introduced the Hawthorn Elementary School Choir and their teacher Debi Biegel from Bozeman who entertained the House with music.

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

MESSAGES FROM THE GOVERNOR

April 1, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 64, **"AN ACT REQUIRING THE DEPARTMENT OF ADMINISTRATION TO ADOPT RULES FOR LOANING EMPLOYEES BETWEEN AGENCIES; AND AMENDING SECTION 2-18-102, MCA"** for the following reasons.

House Bill 64 requires the Department of Administration to adopt rules on loaning state employees between agencies. Administrative rules provide notice to the public about rules that concern the public such as hunting and fishing rules and wage and hour rules. (See, 2-4-101, MCA and 2-4-102, MCA (11)(b)(i) & (12)(a)). A published rule on loaning employees is unnecessary because loaning employees between agencies is internal to state government. Going to the expense of publishing rules in this area that has no impact on the public is an unnecessary waste of taxpayer dollars.

Employees have been loaned to help with projects that impact their agencies. The limited practice has helped efficiently complete projects. Agency heads have effectively managed the very limited practice of loaning employees. At one time the Department of Administration had a policy on loaning employees. I will ask the Department of Administration to work with state agencies to develop an internal guide or new policy on loaning employees for agencies to follow.

Sincerely,

BRIAN SCHWEITZER
Governor

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 423, introduced by Essmann, referred to Human Services.

SB 429, introduced by Wittich, referred to Taxation.

Representative Cary thanked the pages for the week .

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 352 - Senate Amendments - Representative Osmundson moved Senate amendments to **HB 352** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: B. Bennett.

Total 1

Excused: None.

Total 0

Absent or not voting: Hale, Hendrick, Mehlhoff, Skattum.

Total 4

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

HB 542 - Senate Amendments - Representative Esp moved Senate amendments to **HB 542** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.
Total 67

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, Ingraham, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.
Total 32

Excused: None.
Total 0

Absent or not voting: Hiner.
Total 1

HB 575 - Senate Amendments - Representative Hansen moved Senate amendments to **HB 575** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Absent or not voting: None.

Total 0

SB 304 - Representative Menahan moved **SB 304** be concurred in. Motion carried as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skattum, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 66

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Esp, Flynn, Gibson, Greef, Hale, Hendrick, Ingraham, Kary, Kennedy, Kerns, Knox, McGillvray, Miller, O'Neil, Randall, Roberts, Salomon, Skees, C. Smith, Vance, Wagner, Warburton, Welborn.

Total 33

Excused: None.

Total 0

Absent or not voting: Furey.

Total 1

SB 320 - Representative Cook moved **SB 320** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Williams, Wilmer, Mr. Speaker.

Total 75

Nays: Blasdel, Clark, Edmunds, Flynn, Hale, Hansen, Hendrick, Kennedy, Kerns, Knox, Knudsen, McGillvray, Miller, More, Noonan, Osmundson, Reinhart, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Welborn, Yates.

Total 25

Excused: None.

Total 0

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Absent or not voting: None.

Total 0

SB 366 - Representative Skattum moved **SB 366** be concurred in. Motion carried as follows:

Yeas: Ankney, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 63

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 36

Excused: None.

Total 0

Absent or not voting: Arntzen.

Total 1

SB 370 - Representative C. Smith moved **SB 370** be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: None.

Total 0

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Absent or not voting: None.

Total 0

SB 374 - Representative Ingraham moved **SB 374** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Boland.

Total 1

Excused: None.

Total 0

Absent or not voting: B. Beck, Evans, Harris.

Total 3

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McGillvray moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Read, Regier, Roberts, Rosendale, Sesso, Skattum, Skees, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 79

Nays: B. Bennett, Boland, Furey, Hands, Malek, McNally, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Squires.

Total 13

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Excused: Warburton.

Total 1

Absent or not voting: Arntzen, Burnett, Evans, Randall, Reichner, Salomon, Small.

Total 7

MOTIONS

Representative McGillvray moved **SB 292** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

House Recessed.

House Reconvened.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 4 - Representative Skees moved **SJR 4** be concurred in.

SJR 4 - Representative Phillips moved **SJR 4**, second reading copy, be amended as follows:

1. Title, line 7.

Following: "OF"

Insert: "A CONGRESSIONAL DECLARATION OF"

2. Page 1, line 12.

Following: "OF"

Insert: "a congressional declaration of"

3. Page 1, line 19.

Following: "OF"

Insert: "a congressional declaration of"

Amendment adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Clark, Connell, Court, Driscoll, Edmunds, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kary, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray,

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

McNally, McNiven, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 65

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Cook, Cuffe, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Harris, Hendrick, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, McNutt, Reichner, Roberts, Skattum, Skees, C. Smith, Taylor, Mr. Speaker.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 4 - Representative Skees moved **SJR 4**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 69

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 6 - Representative Osmundson moved **SJR 6** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton,

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall,

Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 70

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 12 - Representative Knox moved **SJR 12** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 72

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

SJR 14 - Representative Howard moved **SJR 14** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Edmunds, Evans, Kerns, Knox, Loney, F. Smith.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 184 - Representative Kary moved **SB 184** be concurred in. Motion carried as follows:

Yeas: Arntzen, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Court, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McChesney, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: Ankney, Bangerter, Barrett, Belcourt, Connell, Cook, Cuffe, Evans, Hale, Hands, Hollandsworth, MacDonald, MacLaren, Malek, McClafferty, McGillvray, Pease-Lopez, Peterson, Roberts, Sands, F. Smith, Warburton, Williams.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

SB 194 - Representative MacLaren moved **SB 194** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 285 - Representative Knox moved **SB 285** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 82

Nays: Blasdel, Blyton, Brodehl, Edmunds, Esp, Evans, Flynn, Harris, Hendrick, Ingraham, Kennedy, Kerns, Miller, Skattum, Skees, C. Smith, Taylor, Wagner.

Total 18

Excused: None.

Total 0

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Absent or not voting: None.

Total 0

SB 247 - Representative Price moved **SB 247** be concurred in. Motion **failed** as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Connell, Court, Driscoll, Ehli, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.

Total 46

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Mehlhoff, Menahan, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skees, Small, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.

Total 61

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, MacDonald, Malek, McChesney, McClafferty, McNally, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 25

Excused: Warburton.

Total 1

HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 1, 2011

Absent or not voting: Clark, Cuffe, Evans, Harris, Hunter, Kennedy, McNutt, O'Hara, Phillips, Sesso, Skattum, C. Smith, Stahl.
Total 13

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Saturday, April 2, 2011. Motion carried.

House adjourned at 4:59 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SEVENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
April 2, 2011

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative B. Bennett. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bangerter, Berry, and Warburton, excused. Quorum present.

BILLS (O'Hara, Chairman): 4/2/2011

Correctly printed: **SB 132, SB 402, SJR 4.**

Correctly engrossed: **SB 15, SB 174, SB 194, SB 278, SB 285, SB 298, SJR 4, SJR 14.**

Signed by the Chief Clerk of the House at 10:45 a.m., April 2, 2011: **HB 421, HB 508.**

Signed by the Speaker at 9:35 a.m., April 2, 2011: **HB 66, HB 318, HB 480, HB 547, HB 566.**

Signed by the Chief Clerk of the House at 7:15 a.m., April 2, 2011: **HB 66, HB 318, HB 480, HB 547, HB 566.**

Examined by the sponsor and found to be correct: **HB 421, HB 508.**

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 4/1/2011

HB 161, introduced by Milburn

HB 180, introduced by Edmunds

HB 272, introduced by Flynn

HB 330, introduced by B. Bennett

HB 416, introduced by Klock

HB 456, introduced by C. Smith

HB 464, introduced by Blasdel

HB 491, introduced by Cuffe

HB 535, introduced by Knudsen

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

4/1/2011

HB 265, introduced by Vance

HB 366, introduced by Rosendale

HB 405, introduced by Taylor

HB 414, introduced by Harris

HB 483, introduced by Howard

HB 530, introduced by Washburn

HB 543, introduced by Fitzpatrick

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

MESSAGES FROM THE GOVERNOR

April 1, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 327, **"AN ACT REVISING SCHOOL ADMINISTRATION LAWS; ESTABLISHING A WITHDRAWAL DATE FOR SCHOOL DISTRICT TRUSTEE ELECTIONS; PROVIDING WHO MAY ADMINISTER AN OATH OF OFFICE TO A SCHOOL DISTRICT TRUSTEE; CLARIFYING THE STATUS OF A SINGLE-MEMBER TRUSTEE DISTRICT AND A TRUSTEE NOMINATING DISTRICT IN AN ELECTION BY ACCLAMATION; REQUIRING TRUSTEES OF EACH DISTRICT TO ORGANIZE AS A GOVERNING BOARD NO LATER THAN 15 DAYS AFTER ELECTION DAY; CLARIFYING THE CALCULATION OF MAXIMUM ALLOWABLE INDEBTEDNESS FOR CERTAIN SCHOOL DISTRICTS; ELIMINATING REFERENCE TO AN INTEREST RATE ON SCHOOL DISTRICT BOND ELECTION BALLOTS; AMENDING SECTIONS 20-3-305, 20-3-307, 20-3-313, 20-3-321, 20-9-406, 20-9-426, 20-9-427, AND 20-9-428, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"** for the following reasons.

HB 327 amends school administration laws generally in the area of trustee elections and bonding issues. I propose amendments to HB 327 to accomplish two things.

First, section 5 of the bill amends Mont. Code Ann. § 20-9-406, which limits the maximum amount of indebtedness by a K-12 school district through the issuance of bonds up to 100% of the taxable value of the property subject to taxation. Under current law, the limits contained in § 20-9-406 apply to bonds authorized for building reserves. Section 5 of HB 327 excludes from the limits of § 20-9-406 building reserve bonds.

I object to section 5 of HB 327 and propose striking it from the bill. Schools should limit their indebtedness through bonding as a matter of sound fiscal management. I believe that current law appropriately safeguards good fiscal management by trustees by imposing, statutorily, limits to indebtedness that include indebtedness for building reserves. I believe my amendment is good for schools and for the taxpayers who fund school bonds.

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Second, my amendments would limit certain expenditures by school districts when a board of trustees terminates a teacher because the financial condition of the district requires a reduction in the number of teachers employed. My amendment puts "classrooms first," so that when school boards cut education in the classroom for fiscal reasons, they must curtail expenditures on non-essential items.

I ask you for favorable consideration of my amendment.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 327
Report No. 0, April 21, 2011

Governor's recommendations for amendments to **House Bill 327** (reference copy -- salmon) are as follows:

1. Title, line 6.

Following: "LAWS;"

Insert: "PROHIBITING SCHOOL DISTRICTS FROM AUTHORIZING CERTAIN EXPENSES IF THE SCHOOL HAS TERMINATED A TENURED TEACHER DUE TO THE DISTRICT'S FINANCIAL CONDITION;"

2. Title, line 11 through line 12.

Following: "DAY;" on line 11

Strike: "CLARIFYING " on line 11 through "DISTRICTS;" on line 12

3. Title, line 14.

Following: "SECTIONS"

Insert: "20-1-211,"

4. Title, line 15.

Strike: "20-9-406,"

5. Page 1, line 20.

Following: line 19

Insert: "**Section 1.** Section 20-1-211, MCA, is amended to read:

"20-1-211. Expenses of officers or employees attending conventions -- educational associations -- restrictions. (1) ~~A~~ Subject to subsection (3), a school district officer or employee of any school district may not receive payment from any public funds for traveling expenses or other expenses of any sort or kind for attendance at any convention, meeting, or other gathering of public officers except for attendance at a convention, meeting, or

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

other gatherings that the officer or employee may by virtue of the office or employment find it necessary to attend.

(2) ~~The~~ Subject to subsection (3), the board of trustees of any county or district high school or of any school district may by resolution adopted by a majority of the entire board make their district a member of any state association of school districts or school district trustees or any other strictly educational association and authorize the payment of dues to the association and the necessary traveling expenses of employees or members of the board to attend meetings of the association or other meetings called for the express purpose of considering educational matters.

(3) The board of trustees of a school district or a district officer may not authorize or pay expenses under subsection (1) or (2) if the board terminates a teacher under the provisions of 20-4-203(2)(a)."

Renumber: subsequent sections

6. Page 3, line 14 through page 5, line 5.

Strike: section 5 in its entirety

Renumber: subsequent sections

April 1, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 219, "**AN ACT INCREASING THE DEDUCTION ALLOWED UNDER THE INDIVIDUAL INCOME TAX FOR FEDERAL INCOME TAXES PAID BEGINNING IN TAX YEAR 2015; PROVIDING AN INFLATION ADJUSTMENT FOR THE DEDUCTION OF FEDERAL INCOME TAXES PAID BEGINNING IN TAX YEAR 2016; AMENDING SECTION 15-30-2131, MCA; AND PROVIDING AN APPLICABILITY DATE**" for the following reasons.

I am returning HB 219 with amendments to correct the long-term fiscal imbalance that would result to the State of Montana if HB 219 were to pass in its current form. The 2003 Legislature enacted Senate Bill No. 407, which lowered state income tax rates and partially paid for those rate reductions with a limit on the federal tax deduction of \$5,000 for individuals and \$10,000 for married couples. In 2003, the Executive and Legislature agreed not to index this deduction for

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

inflation because it would create long term fiscal problems. HB 219 in its current form creates the very problems avoided in 2003, with its cost estimated to more than triple in five years -- from \$2.868 million in FY 2016 to \$9.432 million in FY 2021. Without amendment, HB 219 is unacceptable because it is unaffordable over the long term.

To bring HB 219 into fiscal balance, my proposed amendments do three things. First, they increase the federal tax deduction to \$5,120 for individuals and \$10,240 for married couples in the current tax year (as opposed to the increases of \$5,250 and \$10,500, respectively, provided for in the current version of the bill, in future tax years). Second, they eliminate the inflation adjustment for the deduction of federal income taxes in future years, because that provision will create substantial fiscal stress over time. Third, they correct an oversight in SB 407 from the 2003 session that failed to apply the limit on the federal tax deduction to trusts, resulting in an unjustified tax break to wealthy, out of state trusts. Combined, the net effect of these amendments is to bring HB 219 into fiscal balance with \$1 million of annual cost balanced with \$1 million of annual revenue.

Increasing the limit on the federal tax deduction, as proposed in my amendment, will decrease taxes for approximately 100,000 taxpayers. Correcting the trust tax error will end an unjustified tax break provided to wealthy trusts owned primarily by non-residents. Ninety-five percent of the revenue from correcting the trust tax oversight is estimated to come from the top 10% of all trusts (901 trusts) -- of which more than three-fourths are out-of-state. These 901 trusts each earned an average income of nearly \$2.5 million in tax year 2008, totaling more than \$2.2 billion. More than 90% of the 9,000 trusts controlled by Montana taxpayers overall -- and especially the modest trusts -- will see no tax effect from this correction.

These amendments make HB 219 affordable and correct an error that unfortunately has benefitted wealthy, out of state trusts.

I ask you for favorable consideration of my amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 219
Report No. 0, April 1, 2011

Governor's recommendations for amendments to **House Bill 219** (reference copy -- salmon) are as follows:

1. Title, line 5.

Strike: "BEGINNING IN TAX YEAR 2015"

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

2. Title, line 6 through line 7.

Strike: "PROVIDING" on line 6 through "2016;" on line 7

Insert: "LIMITING THE AMOUNT OF FEDERAL INCOME TAX PAID OR ACCRUED THAT MAY BE CLAIMED AS A DEDUCTION BY ESTATES AND TRUSTS IN COMPUTING NET INCOME;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "15-30-2131"

Insert: "AND 15-30-2152"

3. Title, line 7.

Strike: "AN"

Insert: "A RETROACTIVE"

4. Page 1, line 13 through line 14.

Following: "income" on line 13

Strike: "-- inflation" on line 13 through "paid" on line 14

5. Page 1, line 24.

Strike: "(I)"

6. Page 1, line 25.

Strike: "(A)"

Insert: "(i)"

Strike: "\$5,000"

Insert: "\$5,120"

7. Page 1, line 27.

Strike: "(B)"

Insert: "(ii)"

Strike: "\$10,000"

Insert: "\$10,420"

8. Page 1, line 28 through page 2, line 2.

Strike: page 1, line 28 through page 2, line 2 in their entirety

9. Page 4, line 16 through line 21.

Strike: subsection (3) in its entirety

10. Page 4, line 22.

Insert: "**Section 2.** Section 15-30-2152, MCA, is amended to read:

"15-30-2152. Computation of income of estates or trusts -- exemption. (1) Except as otherwise provided in this chapter, "gross income" of estates or trusts means all income from whatever source derived in the tax year, including but not limited to the following items:

(a) dividends;

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

(b) interest received or accrued, including interest received on obligations of another state or territory or a county, municipality, district, or other political subdivision of the state, but excluding interest income from obligations of:

- (i) the United States government or the state of Montana;
- (ii) a school district; or
- (iii) a county, municipality, district, or other political subdivision of the state;
- (c) income from partnerships and other fiduciaries;
- (d) gross rents and royalties;
- (e) gain from sale or exchange of property, including those gains that are excluded from gross income for federal fiduciary income tax purposes by section 641(c) of the Internal Revenue Code of 1954 (now deleted);
- (f) gross profit from trade or business; and
- (g) refunds recovered on federal income tax, to the extent that the deduction of the tax resulted in a reduction of Montana income tax liability.

(2) In computing net income, there are allowed as deductions:

- (a) interest expenses deductible for federal tax purposes according to section 163 of the Internal Revenue Code, 26 U.S.C. 163;
- (b) taxes paid or accrued within the tax year, including but not limited to federal income tax, but excluding Montana income tax; however, the deduction for federal income taxes paid or accrued may not exceed the amount allowed for a single taxpayer under 15-30-2131(1)(b);
- (c) that fiduciary's portion of depreciation or depletion that is deductible for federal tax purposes according to sections 167, 611, and 642 of the Internal Revenue Code, 26 U.S.C. 167, 611, and 642;
- (d) charitable contributions that are deductible for federal tax purposes according to section 642(c) of the Internal Revenue Code, 26 U.S.C. 642(c);
- (e) administrative expenses claimed for federal income tax purposes, according to sections 212 and 642(g) of the Internal Revenue Code, 26 U.S.C. 212 and 642(g);
- (f) losses from fire, storm, shipwreck, or other casualty or from theft, to the extent not compensated for by insurance or otherwise, that are deductible for federal tax purposes according to section 165 of the Internal Revenue Code, 26 U.S.C. 165;
- (g) net operating loss deductions allowed for federal income tax under section 642(d) of the Internal Revenue Code, 26 U.S.C. 642(d), except estates may not claim losses that are deductible on the decedent's final return;
- (h) Montana income tax refunds or tax refund credits.

(3) The following additional deductions are allowed in deriving taxable income of estates and trusts:

- (a) any amount of income for the tax year currently required to be distributed to beneficiaries for the year;
- (b) any other amounts properly paid or credited or required to be distributed for the tax year.

(4) The exemption allowed for estates and trusts is that exemption provided in 15-30-2114(2)(a) and (6)."

Renumber: subsequent section

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

11. Page 4, line 23.

Strike: "Applicability"

Insert: "Retroactive applicability"

Following: "applies"

Insert: "retroactively, within the meaning of 1-2-109,"

12. Page 4, line 24.

Strike: "2014"

Insert: "2010"

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 30, introduced by Beck, referred to State Administration.

MOTIONS

Representative McGillvray moved to reconsider action previously taken on **SJ 4** and place it on Second Reading. Without objection, so ordered.

Representative Yates moved to reconsider action previously taken on **SB 320** and place it on Second Reading. Motion **failed** as follows:

Yeas: Ankney, G. Bennett, Blasdel, Court, Edmunds, Flynn, Hale, Hansen, Harris, Hendrick, Hill, Kary, Kennedy, Kerns, MacLaren, McGillvray, Miller, More, Osmundson, Phillips, Read, Rosendale, Skattum, Skees, Taylor, Vance, Wagner, Washburn, Yates.

Total 29

Nays: Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Price, Randall, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Welborn, Williams, Wilmer, Mr. Speaker.

Total 68

Excused: Bangerter, Berry, Warburton.

Total 3

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Representative Osmundson introduced Christina Eike from Hobson, Montana who performed *The National Anthem*.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 352 passed as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 95

Nays: B. Bennett, Reinhart.
Total 2

Excused: Bangerter, Berry, Warburton.
Total 3

Absent or not voting: None.
Total 0

HB 542 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Schmidt, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.
Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Ingraham, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Sesso, F. Smith,

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Squires, Swanson, Williams, Wilmer.

Total 32

Excused: Bangerter, Berry, Warburton.

Total 3

Absent or not voting: Cuffe.

Total 1

HB 575 passed as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: Bangerter, Berry, Warburton.

Total 3

Absent or not voting: None.

Total 0

SB 183 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.

Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff,

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 33

Excused: Bangerter, Berry, Warburton.
Total 3

Absent or not voting: None.
Total 0

SB 184 concurred in as follows:

Yeas: Arntzen, B. Beck, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, Malek, McChesney, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Schmidt, Skattum, Skees, Small, C. Smith, Squires, Swanson, Taylor, Vance, Wagner, Washburn, Wilmer, Yates, Mr. Speaker.
Total 75

Nays: Ankney, Barrett, Belcourt, Connell, Cook, Evans, Hands, Hollandsworth, Hoven, MacDonald, MacLaren, McClafferty, McGillvray, Pease-Lopez, Peterson, Roberts, Sands, Sesso, F. Smith, Stahl, Welborn, Williams.
Total 22

Excused: Bangerter, Berry, Warburton.
Total 3

Absent or not voting: None.
Total 0

SB 194 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Nays: None.

Total 0

Excused: Bangerter, Berry, Warburton.

Total 3

Absent or not voting: None.

Total 0

SB 285 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 79

Nays: Blasdel, Blyton, Brodehl, Edmunds, Esp, Flynn, Hendrick, Ingraham, Kennedy, Kerns, Miller, Randall, Skattum, Skees, C. Smith, Taylor, Wagner.

Total 17

Excused: Bangerter, Berry, Warburton.

Total 3

Absent or not voting: Greef.

Total 1

SB 287 concurred in as follows:

Yeas: Ankney, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 73

Nays: Arntzen, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Flynn, Hale, Harris, Hendrick, Ingraham, Kennedy, Kerns, Knox, Loney, More, O'Neil, Randall, Skattum,

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Skees, C. Smith, Wagner.

Total 24

Excused: Bangerter, Berry, Warburton.

Total 3

Absent or not voting: None.

Total 0

SB 290 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Malek, F. Smith.

Total 2

Excused: Bangerter, Berry, Warburton.

Total 3

Absent or not voting: None.

Total 0

SB 304 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Connell, Cook, Court, Driscoll, Ehli, Evans, Furey, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Williams, Wilmer, Yates, Mr. Speaker.

Total 65

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Cuffe, Edmunds, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hendrick, Howard, Ingraham, Kennedy, Kerns, Knox, McGillvray,

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Miller, More, O'Neil, Randall, Salomon, Skattum, Skees, C. Smith, Vance, Washburn, Welborn.
Total 32

Excused: Bangerter, Berry, Warburton.
Total 3

Absent or not voting: None.
Total 0

SB 320 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, B. Bennett, Boland, Brodehl, Burnett, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNiven, McNutt, Mehlhoff, Menahan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Williams, Wilmer, Mr. Speaker.
Total 63

Nays: G. Bennett, Blasdel, Blyton, Clark, Cuffe, Edmunds, Flynn, Hale, Hansen, Harris, Hendrick, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNally, Miller, More, Noonan, O'Neil, Osmundson, Randall, Rosendale, Skattum, Skees, C. Smith, Vance, Wagner, Washburn, Welborn, Yates.
Total 33

Excused: Bangerter, Berry, Warburton.
Total 3

Absent or not voting: Belcourt.
Total 1

SB 324 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, Belcourt, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.
Total 64

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan,

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Excused: Bangerter, Berry, Warburton.
Total 3

Absent or not voting: Knudsen.
Total 1

SB 366 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.
Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 33

Excused: Bangerter, Berry, Warburton.
Total 3

Absent or not voting: None.
Total 0

SB 370 concurred in as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.
Total 63

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff,

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 34

Excused: Bangerter, Berry, Warburton.
Total 3

Absent or not voting: None.
Total 0

SB 374 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: None.
Total 0

Excused: Bangerter, Berry, Warburton.
Total 3

Absent or not voting: None.
Total 0

SJR 6 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, Belcourt, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.
Total 67

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Esp, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Excused: Bangerter, Berry, Warburton.

Total 3

Absent or not voting: None.

Total 0

SJR 7 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.

Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Esp, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: Bangerter, Berry, Warburton.

Total 3

Absent or not voting: Greef.

Total 1

SJR 12 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Esp, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 29

Excused: Bangerter, Berry, Warburton.

Total 3

Absent or not voting: None.

Total 0

SJR 14 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: G. Bennett, Edmunds, Evans, Kennedy, Kerns, Knox, Loney, F. Smith, Wagner.

Total 9

Excused: Bangerter, Berry, Warburton.

Total 3

Absent or not voting: None.

Total 0

SB 355 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Nays: B. Beck, G. Bennett, Blasdel, Edmunds, Flynn, Hale, Harris, Hendrick, Kary, Kennedy, Kerns, Knox, McGillvray, Peterson, Randall, Regier, Skattum, Skees, C. Smith, Wagner.
Total 20

Excused: Bangerter, Berry, Warburton.
Total 3

Absent or not voting: None.
Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Knudsen in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 330 - Representative McGillvray moved consideration of **SB 330** be passed for the day.
Motion carried.

HB 297 - Representative McGillvray moved consideration of **HB 297** be passed for the day.
Motion carried.

SJR 8 - Representative B. Bennett moved **SJR 8** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Clark, Connell, Court, Driscoll, Evans, Flynn, Furey, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 56

Nays: Arntzen, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Gibson, Greef, Hale, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Lavin, Loney, McGillvray, McNutt, Miller, More, O'Neil, Peterson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn.
Total 44

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 174 - Representative Miller moved **SB 174** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Miller, Noonan, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 72

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Greef, Hands, Hill, Hunter, MacDonald, Malek, McNally, Menahan, More, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Williams, Wilmer.

Total 27

Excused: None.

Total 0

Absent or not voting: Loney.

Total 1

SB 278 - Representative Lavin moved **SB 278** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 288 - Representative Hale moved **SB 288** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 298 - Representative Knox moved **SB 298** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Cook, Fitzpatrick, Hoven.

Total 3

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 357 - Representative Ingraham moved **SB 357** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 59 - Senate Amendments - Representative Belcourt moved Senate amendments to **HB 59** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Nays: Cook, Court, Reinhart.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 61 - Senate Amendments - Representative MacLaren moved Senate amendments to **HB 61** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Fitzpatrick, Hale, Reinhart.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 191 - Senate Amendments - Representative Flynn moved Senate amendments to **HB 191** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 79

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Nays: Arntzen, G. Bennett, Blasdel, Blyton, Burnett, Esp, Hansen, Hill, Kerns, Knox, McGillvray, McNiven, Miller, More, O'Neil, Randall, Read, Rosendale, Skattum, C. Smith, Wagner.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 1 - Representative Di. Barrett moved **SB 1** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 80

Nays: G. Bennett, Blyton, Brodehl, Cuffe, Edmunds, Esp, Flynn, Harris, Hendrick, Kennedy, Kerns, Knox, Osmundson, Read, Salomon, Skattum, C. Smith, Wagner, Welborn.
Total 19

Excused: None.
Total 0

Absent or not voting: Squires.
Total 1

SB 15 - Representative Regier moved consideration of **SB 15** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 81 - Representative Rosendale moved **SB 81** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith,

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.
Total 70

Nays: Bangerter, G. Bennett, Blyton, Burnett, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Hale, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McNutt, Miller, More, O'Neil, Osmundson, Randall, Read, Roberts, Skattum, C. Smith, Vance, Wagner, Yates.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 198 - Representative Kennedy moved **SB 198** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 37

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 347 - Representative Hansen moved **SB 347** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek,

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: Salomon.
Total 1

Excused: None.
Total 0

Absent or not voting: Small.
Total 1

HB 288 - Senate Amendments - Representative Sands moved Senate amendments to **HB 288** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 91

Nays: Brodehl, Cuffe, Hale, Harris, Hendrick, Kennedy, Kerns, Skattum.
Total 8

Excused: None.
Total 0

Absent or not voting: Small.
Total 1

HB 103 - Senate Amendments - Representative Fitzpatrick moved Senate amendments to **HB 103** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hendrick,

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Hansen, Harris, Noonan.

Total 3

Excused: None.

Total 0

Absent or not voting: Sands.

Total 1

HB 251 - Senate Amendments - Representative Hoven moved Senate amendments to **HB 251** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: McGillvray.

Total 1

HB 300 - Senate Amendments - Representative Flynn moved Senate amendments to **HB 300** be concurred in. Motion carried as follows:

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 380 - Senate Amendments - Representative Blasdel moved Senate amendments to **HB 380** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Sesso.
Total 1

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

HB 95 - Senate Amendments - Representative McNutt moved Senate amendments to **HB 95** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: Brodehl, Kennedy, Skattum, Skees.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 178 - Senate Amendments - Representative Howard moved Senate amendments to **HB 178** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 74

Nays: Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer.
Total 26

Excused: None.
Total 0

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Absent or not voting: None.

Total 0

HB 213 - Senate Amendments - Representative Harris moved Senate amendments to **HB 213** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Loney, O'Neil.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 258 - Senate Amendments - Representative Edmunds moved Senate amendments to **HB 258** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Bangerter, Berry, Edmunds, Malek, Mr. Speaker.

Total 6

Nays: Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 94

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 525 - Senate Amendments - Representative McNiven moved Senate amendments to **HB 525** be **not** concurred in.

Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Bangerter, Belcourt, B. Bennett, Boland, Hiner, Mehlhoff, More, Noonan, Reinhart, F. Smith, Squires.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 15 - Representative Regier moved **SB 15** be concurred in.

SB 15 - Representative Menahan moved **SB 15**, second reading copy, be amended as follows:

1. Page 1, line 29.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

2. Page 1, line 30.

Strike: "not less than"

Strike: "or more than \$5,000"

3. Page 2, line 1.

Strike: "or all"

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

4. Page 2, line 1 through line 2.

Strike: "to be" on line 1 through "(2)(a)" on line 2

Insert: "except for the mandatory minimum sentences set forth in 61-8-714"

5. Page 2, line 3.

Strike: "probationary term"

Insert: "suspended sentence"

Strike: "(2)(a)"

Insert: "(2)(b)"

6. Page 2, line 4.

Strike: "probation"

Insert: "the suspended sentence imposed by the court"

7. Page 2, line 8.

Strike: "probation"

Insert: "the suspended sentence"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 91

Nays: Miller, More, Peterson, Small.

Total 4

Excused: Bangerter, Berry.

Total 2

Absent or not voting: Hale, McNiven, Roberts.

Total 3

SB 15 - Representative Regier moved **SB 15**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans,

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

Fitzpatrick, Furey, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: Belcourt, G. Bennett, Flynn, Gibson, Hendrick, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Miller, More, O'Neil, Randall, Skattum, Skees, Small, Stahl, Wagner, Welborn.

Total 21

Excused: None.

Total 0

Absent or not voting: Hale, Roberts.

Total 2

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Knudsen moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Swanson, Taylor, Wagner, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

Nays: Hands, Malek, Squires.

Total 3

Excused: Bangerter, Berry, Warburton.

Total 3

Absent or not voting: B. Beck, Hale, McGillvray, Roberts, F. Smith, Stahl, Vance, Welborn.

Total 8

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

MOTIONS

Representative McGillvray moved to appoint a Conference Committee on **HB 525** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/2/2011

Representative Arntzen
Representative McNiven
Representative Noonan

Representative McGillvray moved to appoint a Conference Committee on **HB 258** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/2/2011

Representative Edmunds
Representative Di. Barrett
Representative Hansen

Representative Stahl moved to reconsider action previously taken on **SB 174**.

Motion **failed** as follows:

Yeas: Arntzen, B. Beck, Blasdel, Blyton, Clark, Edmunds, Ehli, Esp, Fitzpatrick, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Klock, Lavin, McGillvray, More, Randall, Read, Regier, Roberts, Skattum, Skees, Stahl, Taylor, Vance, Wagner, Yates, Mr. Speaker.
Total 32

Nays: Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Brodehl, Burnett, Connell, Court, Cuffe, Driscoll, Evans, Flynn, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Swanson, Washburn, Welborn, Williams, Wilmer.
Total 61

Excused: Bangerter, Berry, Warburton.
Total 3

Absent or not voting: Ankney, Cook, McNiven, O'Hara.
Total 4

Representative McGillvray moved **SB 81** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 10:00 a.m., Monday, April 4, 2011. Motion carried.

House adjourned at 10:09 a.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SEVENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
April 4, 2011

House Chambers
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Hale. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative McClafferty, excused. Representative Reichner, absent. Quorum present.

BILLS (O'Hara, Chairman):

4/4/2011

Correctly engrossed: **SB 199, SB 224, SB 266, SJR 4.**

Correctly enrolled: **HB 161, HB 180, HB 195, HB 272, HB 330, HB 339, HB 352, HB 416, HB 456, HB 464, HB 491, HB 529, HB 535, HB 542, HB 575.**

Examined by the sponsor and found to be correct: **HB 161, HB 180, HB 272, HB 330, HB 416, HB 456, HB 464, HB 491.**

Signed by the Speaker at 9:00 a.m., April 4, 2011: **HB 161.**

Signed by the Chief Clerk of the House at 8:50 a.m., April 4, 2011: **HB 161.**

Signed by the Speaker at 10:00 a.m., April 4, 2011: **HB 421, HB 456, HB 508.**

Signed by the Chief Clerk of the House at 9:40 a.m., April 4, 2011: **HB 456.**

Delivered to the Governor for approval at 3:30 p.m., April 4, 2011: **HB 421, HB 508.**

Delivered to the Governor for approval at 12:10 p.m., April 4, 2011: **HB 66, HB 318, HB 480, HB 547, HB 566.**

Delivered to the Governor for approval at 11:55 a.m., April 4, 2011: **HB 456.**

Representative Reichner introduced the pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman):

4/4/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 12:00 p.m., Saturday, April 2, 2011:

TITLE

NAME

Pages:

Brittany Bangerter, Helena
Isaac Reichner, Big Fork
Scotty Keller, Kalispell
Emily Eicholtz, Helena
Hailey Duffin, Miles City
Jessica Riffel, Carter
Zach Johnson, Helena
Hunter Feiss, Helena

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, April 4, 2011:

STATE INTERNET/BBS COPY

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

TITLE

NAME

Pages: Brenna Davis, Lolo
Jesse Rogers, Helena
Blaise Hall, Helena
Emily Seamons, Bozeman
Emily Harris, Helena
Carrie Kaiserski, Helena
Mariah Witt, Carter

Report Adopted.

Representative MacDonald rose on a point of personal privilege to convey the news that Jeanne Charter had passed away over the weekend. The House had a moment of silence.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 4/2/2011

HB 195, introduced by Rosendale

HB 339, introduced by Bangerter

HB 529, introduced by Stahl

Senate joint resolutions passed and transmitted to the House for concurrence: 4/2/2011

SJR 21, introduced by J. Peterson

SJR 24, introduced by Shockley

House bill not concurred in and returned to the House: 4/1/2011

HB 361, introduced by Washburn

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

4/2/2011

HB 111, introduced by Stahl

HB 132, introduced by Hoven

HB 133, introduced by Salomon

HB 460, introduced by K. Peterson

HB 555, introduced by Fitzpatrick has missed the deadline for General Bills. It requires a 2/3 vote for the House to receive it.

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

MESSAGES FROM THE GOVERNOR

April 2, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 70** sponsored by Representative Menahan, **House Bill 94** sponsored by Representative Arntzen, **House Bill 99** sponsored by Representative Ingraham, **House Bill 141** sponsored by Representative K. Peterson, **House Bill 254** sponsored by Representative Vance et al., **House Bill 259** sponsored by Representative Loney et al., **House Bill 270** sponsored by Representative Lavin et al., **House Bill 273** sponsored by Representative Mehlhoff et al., **House Bill 293** sponsored by Representative Connell, **House Bill 348** sponsored by Representative Malek, **House Bill 374** sponsored by Representative Hansen et al., **House Bill 428** sponsored by Representative Berry et al., **House Bill 484** sponsored by Representative Squires, **House Bill 497** sponsored by Representative Clark, **House Bill 536** sponsored by Representative Flynn, and **House Bill 573** sponsored by Representative Hunter on April 1, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 31, introduced by Hendrick, referred to Taxation.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 21, introduced by J. Peterson, referred to Natural Resources.

SJR 24, introduced by Shockley, referred to State Administration.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Skees in the chair.

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 35 - Representative McNutt moved **SB 35** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 84

Nays: B. Bennett, Boland, Furey, Hands, Hill, Hunter, MacDonald, Malek, Noonan, O'Neil, Pease-Lopez, Price, Reinhart, Sands, Wilmer.

Total 15

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

HB 297 - Senate Amendments - Representative Berry moved Senate amendments to **HB 297** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: MacLaren, Reichner.

Total 2

HB 552 - Senate Amendments - Representative Hale moved Senate amendments to **HB 552** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 80

Nays: Burnett, Cuffe, Edmunds, Flynn, Hendrick, Kary, Kerns, Knox, Knudsen, McNutt, Peterson, Randall, Rosendale, Skattum, Skees, C. Smith, Vance, Wagner.

Total 18

Excused: None.

Total 0

Absent or not voting: Hollandsworth, MacLaren.

Total 2

SB 11 - Representative Hollandsworth moved **SB 11** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: Bangerter, Fitzpatrick, Harris, Kary, Loney, McGillvray, McNiven, Peterson.

Total 8

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

SB 16 - Representative Belcourt moved **SB 16** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Furey, Gibson, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, Osmundson, Pease-Lopez, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 72

Nays: Bangerter, G. Bennett, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Greef, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, McGillvray, More, O'Hara, O'Neil, Peterson, Read, Skattum, C. Smith, Wagner, Welborn.

Total 26

Excused: None.

Total 0

Absent or not voting: Ankney, MacLaren.

Total 2

SB 30 - Representative K. Williams moved **SB 30** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 85

Nays: Blasdel, Brodehl, Cuffe, Edmunds, Hansen, Hendrick, Kennedy, Kerns, Randall, Skattum, C. Smith, Vance, Wagner, Yates.

Total 14

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

SB 68 - Representative Hansen moved **SB 68** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Greef, Hands, Hansen, Harris, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: G. Bennett, Brodehl, Cuffe, Flynn, Gibson, Hale, Hendrick, Hiner, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Miller, Randall, Salomon, Skattum, Small, C. Smith, Vance, Welborn.

Total 22

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

SB 126 - Representative Salomon moved **SB 126** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Furey, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Washburn, Williams, Wilmer, Mr. Speaker.

Total 66

Nays: Arntzen, G. Bennett, Blasdel, Cuffe, Edmunds, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, Miller, O'Neil, Osmundson, Randall, Regier, Roberts, Rosendale, Skattum, C. Smith, Vance, Warburton, Welborn, Yates.

Total 33

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

SB 149 - Representative Harris moved **SB 149** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Esp, Evans, Fitzpatrick, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: Cuffe, Ehli, Flynn, Gibson, Hale, Kennedy, Kerns, Knox, Miller, More, Peterson, Skattum, C. Smith, Vance, Wagner.

Total 15

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

SB 172 - Representative Blasdel moved **SB 172** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: Blyton, Edmunds, Esp, Hale, Hansen, Kary, Kennedy, Kerns, Knox, Loney, Miller, Skattum, C. Smith, Wagner, Warburton.

Total 15

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

SB 338 - Representative Kennedy moved **SB 338** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Edmunds, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: MacLaren, Randall.

Total 2

SB 389 - Representative Noonan moved **SB 389** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Furey, Gibson, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 76

Nays: Bangerter, G. Bennett, Berry, Brodehl, Evans, Fitzpatrick, Flynn, Greef, Harris, Hoven, Howard, Ingraham, Kary, Kennedy, McGillvray, McNiven, Miller, Peterson, Read, Roberts, Skattum, C. Smith, Wagner.

Total 23

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

Chairman Skees moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 90

Nays: Bangerter, Kary, Lavin, Malek, Pease-Lopez.

Total 5

Excused: Evans, McClafferty.

Total 2

Absent or not voting: Knudsen, O'Neil, Taylor.

Total 3

House Recessed.

House Reconvened.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Skees in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

SB 199 - Representative McGillvray moved consideration of **SB 199** be placed at the bottom of the second reading board. Motion carried.

HB 522 - Senate Amendments - Representative Kary moved Senate amendments to **HB 522** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Knudsen, Taylor.

Total 2

SB 218 - Representative Kerns moved **SB 218** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: Hollenbaugh.

Total 1

SB 219 - Representative McNiven moved **SB 219** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 242 - Representative Welborn moved **SB 242** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Belcourt, Boland, Pease-Lopez.

Total 3

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 266 - Representative MacDonald moved consideration of **SB 266** be placed at the bottom of the second reading board. Motion carried.

SB 277 - Representative Welborn moved **SB 277** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 93

Nays: Barrett, Cook, Hoven, MacDonald, McClafferty, Pease-Lopez, Reinhart.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 4 - Representative McGillvray moved consideration of **SJR 4** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 12 - Senate Amendments - Representative Menahan moved Senate amendments to **HB 12** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F.

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: Klock, More, Small.
Total 3

Excused: None.
Total 0

Absent or not voting: Clark.
Total 1

HB 69 - Senate Amendments - Representative Menahan moved Senate amendments to **HB 69** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: Gibson, Ingraham, Kennedy, Small.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 107 - Senate Amendments - Representative Hollenbaugh moved Senate amendments to **HB 107** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney,

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Hale, Ingraham, Randall, Stahl, Warburton.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 295 - Senate Amendments - Representative Cook moved Senate amendments to **HB 295** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 310 - Senate Amendments - Representative Blyton moved Senate amendments to **HB 310** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll,

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 330 - Representative Knox moved **HB 330** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Skees moved the Committee of the Whole report be adopted. Report adopted as follows:

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Roberts, Rosendale, Salomon, Sands, Skattum, Skees, Small, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 76

Nays: Barrett, B. Bennett, Boland, Court, Hands, MacDonald, Malek, McChesney, McNally, Mehlhoff, Noonan, Phillips, Reinhart, Schmidt, Sesso, Squires, Swanson.

Total 17

Excused: Evans, McClafferty.

Total 2

Absent or not voting: Blyton, Knudsen, Reichner, F. Smith, Taylor.

Total 5

House Recessed.

House Reconvened.

Roll Call. All members present, except Representative Evans excused. Representatives Hill, and Sesso, absent. Quorum present.

The Legislative Choir performed a compilation of songs for the House of Representatives.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Skees in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 199 - Representative Di. Barrett moved **SB 199** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen,

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: McNiven.

Total 1

SB 266 - Representative Berry moved **SB 266** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 73

Nays: Barrett, B. Bennett, Boland, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 26

Excused: None.

Total 0

Absent or not voting: McNiven.

Total 1

Representative Osmundson assumed the chair.

SJR 4 - Representative Skees moved **SJR 4** be concurred in.

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

SJR 4 - Representative Skees moved **SJR 4**, second reading copy, be amended as follows:

1. Title, line 7.

Strike: "A CONGRESSIONAL DECLARATION OF"

2. Page 1, line 12.

Strike: "A CONGRESSIONAL DECLARATION OF"

3. Page 1, line 20.

Strike: "A CONGRESSIONAL DECLARATION OF"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 4 - Representative Skees moved **SJR 4**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: Evans.

Total 1

Absent or not voting: Connell, MacLaren, Reichner, Small.

Total 4

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Skees in the chair.

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 307 - Governor's Amendments - Representative Burnett moved Governor's amendments to **HB 307** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 29 - Representative Welborn moved **SB 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Boland, Burnett, Clark, Connell, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Welborn, Williams, Wilmer, Yates.

Total 62

Nays: Berry, Blasdel, Blyton, Brodehl, Cook, Cuffe, Edmunds, Esp, Evans, Flynn, Hale, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, Miller, More, O'Neil, Peterson, Randall, Read, Reichner, Skattum, Skees, C. Smith, Taylor, Wagner, Warburton, Mr. Speaker.

Total 37

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

SB 75 - Representative Stahl moved **SB 75** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 224 - Representative Fitzpatrick moved **SB 224** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 237 - Representative Esp moved **SB 237** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Greef, Hands, Hill, Hollenbaugh, Hunter, Ingraham, MacDonald, Malek, McClafferty, McNally, Menahan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: Small.

Total 1

HB 43 - Senate Amendments - Representative MacLaren moved Senate amendments to **HB 43** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Small.

Total 1

HB 125 - Senate Amendments - Representative Klock moved Senate amendments to **HB 125** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Knox, C. Smith, Wagner.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 216 - Senate Amendments - Representative Miller moved Senate amendments to **HB 216** be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams,

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Ankney, Ingraham, Lavin, O'Neil.

Total 4

Excused: None.

Total 0

Absent or not voting: Kary.

Total 1

HB 336 - Senate Amendments - Representative Menahan moved Senate amendments to **HB 336** be concurred in. Motion carried as follows:

Yeas: Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Boland, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Esp, Evans, Fitzpatrick, Furey, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kerns, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Vance, Washburn, Williams, Wilmer, Yates.

Total 63

Nays: Ankney, Arntzen, Bangerter, Berry, Blasdel, Blyton, Cook, Ehli, Flynn, Gibson, Hale, Harris, Hendrick, Ingraham, Kary, Kennedy, Knudsen, Lavin, Loney, Miller, More, O'Neil, Osmundson, Peterson, Randall, Reichner, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Wagner, Warburton, Welborn, Mr. Speaker.

Total 36

Excused: None.

Total 0

Absent or not voting: Knox.

Total 1

HB 469 - Senate Amendments - Representative Clark moved Senate amendments to **HB 469** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller,

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Knox.

Total 1

HB 541 - Senate Amendments - Representative Welborn moved Senate amendments to **HB 541** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Kerns.

Total 1

HB 584 - Senate Amendments - Representative Mehlhoff moved Senate amendments to **HB 584** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris,

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Flynn, Kennedy, O'Neil.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 312 - Representative G. Bennett moved **SB 312** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 75

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Edmunds, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, Menahan, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Skees moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl,

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 71

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.
Total 26

Excused: Evans.
Total 1

Absent or not voting: Esp, Greef.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 59 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 89

Nays: B. Bennett, Cook, Hands, Hill, Malek, McClafferty, Reinhart, Sands, Squires.
Total 9

Excused: Evans.
Total 1

Absent or not voting: Flynn.
Total 1

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

HB 61 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Esp, Fitzpatrick, Hale, Small, Wagner, Welborn.

Total 6

Excused: Evans.

Total 1

Absent or not voting: Flynn.

Total 1

HB 95 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 90

Nays: Brodehl, Burnett, Kerns, Knox, O'Neil, Randall, Skattum, Skees, Wagner.

Total 9

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

HB 103 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Hansen.

Total 1

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 178 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 31

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

HB 191 passed as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates.

Total 86

Nays: Arntzen, Blyton, Burnett, Hansen, Kerns, Knox, McNiven, Miller, Randall, Rosendale, Skees, Welborn.

Total 12

Excused: Evans.

Total 1

Absent or not voting: Mr. Speaker.

Total 1

HB 213 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: G. Bennett, Berry, Hendrick, Kary, Kerns, Loney.

Total 6

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

HB 251 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: Hands, Sesso.
Total 2

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

HB 288 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 84

Nays: G. Bennett, Berry, Blasdel, Brodehl, Flynn, Hale, Hendrick, Kennedy, Kerns, More, Skattum, Skees, C. Smith, Wagner, Warburton.
Total 15

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

HB 300 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 380 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

SB 1 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skees, Small, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

Nays: G. Bennett, Blyton, Cuffe, Edmunds, Harris, Kennedy, Kerns, Knox, Salomon, Skattum, C. Smith, F. Smith, Wagner, Welborn.

Total 14

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 15 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, C. Smith, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 73

Nays: Belcourt, G. Bennett, Blasdel, Cuffe, Edmunds, Esp, Flynn, Gibson, Hale, Hendrick, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Miller, Randall, Read, Skattum, Skees, Small,

Stahl, Vance, Wagner, Welborn.

Total 26

Excused: Evans.

Total 1

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Absent or not voting: None.

Total 0

SB 174 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 69

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Greef, Hands, Hill, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.

Total 30

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 198 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: Evans.

Total 1

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Absent or not voting: None.

Total 0

SB 288 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 298 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Cook, Fitzpatrick.

Total 2

Excused: Evans.

Total 1

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Absent or not voting: None.

Total 0

SB 347 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Salomon.

Total 1

Excused: Evans.

Total 1

Absent or not voting: Wagner.

Total 1

SB 357 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Absent or not voting: None.

Total 0

SJR 8 failed as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Boland, Connell, Court, Driscoll, Flynn, Furey, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Warburton, Williams, Wilmer, Yates, Mr. Speaker.

Total 48

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Gibson, Greef, Hale, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Washburn, Welborn.

Total 51

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Representative McGillvray moved **SB 199** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved to appoint a Conference Committee on **HB 43** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/4/2011

Representative MacLaren
Representative Fitzpatrick
Representative Hunter

Representative McGillvray moved to appoint a Conference Committee on **HB 297** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/4/2011

Representative Berry
Representative B. Bennett
Representative Stahl

HOUSE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Representative Squires moved to change his vote on **SA HB 59** from No to Yes.
Representative McGillvray objected, vote was not changed.

Representative McGillvray moved to withdraw his previous motion of appointing a conference committee for HB 43. Without objection, so ordered.

Representative McGillvray moved to appoint a **Free** Conference Committee on **HB 43** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/4/2011

Representative MacLaren
Representative Fitzpatrick
Representative Hunter

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Friday, April 8, 2011.
Motion carried.

House adjourned at 2:55 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SEVENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
April 5, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Hill. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Evans, excused. Quorum present.

BILLS (O'Hara, Chairman):

4/5/2011

Correctly printed: **HB 642, SB 410, SB 415.**

Correctly engrossed: **SB 215, SB 233, SB 331, SB 409, SB 418.**

Correctly enrolled: **HB 59, HB 61, HB 95, HB 103, HB 178, HB 191, HB 213, HB 251, HB 288, HB 300, HB 380.**

Delivered to the Governor for approval at 4:08 p.m., April 5, 2011: **HB 334.**

Signed by the Speaker at 11:15 a.m., April 5, 2011: **HB 180, HB 195, HB 272, HB 330, HB 339, HB 416, HB 464, HB 491, HB 542, HB 575.**

Signed by the Chief Clerk of the House at 11:00 a.m., April 5, 2011: **HB 180, HB 195, HB 272, HB 330, HB 339, HB 416, HB 464, HB 491, HB 542, HB 575.**

Examined by the sponsor and found to be correct: **HB 61, HB 103, HB 191, HB 195, HB 251, HB 288, HB 300, HB 339, HB 352, HB 380, HB 529, HB 535, HB 542, HB 575.**

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth, sixtieth, and sixty-first legislative days, find the same to be correct.

Representative O'Hara, Chair

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):

4/4/2011

HB 642, do pass. Report adopted.

SB 215, be amended as follows:

1. Page 2, line 9.

Insert: "NEW SECTION. Section 3. Nonseverability. It is the intent of the legislature that each part of [this act] is essentially dependent upon every other part, and if one part is held unconstitutional or invalid, all other parts are invalid."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

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HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

BUSINESS AND LABOR (Arntzen, Chairman):

4/5/2011

SB 331, be amended as follows:

1. Title, page 1, lines 8 and 9.

Strike: "ESTABLISHING" on line 8 through "MANAGERS;" on line 9

Insert: "DEFINING "EXEMPT COMMERCIAL PURCHASER" AND "QUALIFIED RISK
MANAGER";"

2. Title, page 1, line 16.

Following: "INSURED;"

Insert: "ESTABLISHING THE FUNCTIONS OF THE SURPLUS LINES INSURANCE ADVISORY
ORGANIZATION;"

2.5 Title, line 17.

Strike: "IMMEDIATE"

3. Page 3, line 23.

Strike: "the state in which"

4. Page 3, line 24.

Following: "(i)"

Insert: "the state in which"

Strike: "is"

5. Page 4, line 3.

Strike: "the home state must be"

6. Page 4, line 4.

Strike: "and"

Insert: ", or"

7. Page 4, line 5.

Strike: "the home state must be"

8. Page 4, line 9.

Strike: "a nonadmitted"

Insert: "an unauthorized"

9. Page 4, line 11 through line 16.

Strike: subsections (M) and (N) in their entirety

Renumber: subsequent subsections

10. Page 4, line 27.

Strike: "a nonadmitted"

Insert: "an unauthorized"

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

11. Page 4, line 30 through page 5, line 2.

Strike: ", where" on page 4, line 30 through "placed" on page 5, line 2

Insert: "any property or casualty insurance permitted in a state to be placed directly or through a surplus lines insurance producer"

12. Page 5, line 8 through line 9.

Strike: "an" on line 8 through "states" on line 9

Insert: ", with respect to a state, an insurer not authorized to transact the business of insurance in the state. The term includes an insurance exchange authorized under the laws of another state. The term does not include a risk retention group, as that term is defined in the Liability Risk Retention Act of 1986, 15 U.S.C. 3901(a)(4)"

13. Page 7, line 25.

Strike: " "

Insert: " ; "

14. Page 8, line 22.

Strike: "33-2-311(1)"

Insert: "[section 17]"

15. Page 8, line 23.

Strike: "33-2-311"

Insert: "[section 17]"

16. Page 8, line 24.

Strike: "33-2-311(1)"

Insert: "[section 17]"

17. Page 10, following line 12.

Insert: "(9) The commissioner may participate in the national association of insurance commissioners' producer licensing database regarding surplus lines insurance producer licensing."

18. Page 14, line 3.

Following: "~~Tax~~"

Strike: "Authorization" through "tax"

Insert: "Tax"

19. Page 14, line 4.

Following: "lines"

Insert: "insurance"

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

20. Page 14, line 4 through line 10.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

21. Page 14, line 11.

Following: "(2)"

Strike: "There is a tax imposed"

Insert: "Except as provided in [section 17], when this state is the home state of the insured, the surplus lines insurance producer shall collect from the insured and pay to the commissioner a tax"

22. Page 14, line 12.

Following: "collected"

Insert: "and the tax rate"

23. Page 14, line 13.

Strike: "(1)"

24. Page 14, line 18.

Following: "period"

Insert: "as well as the stamping fee on the premium payable by the insured regardless of whether the coverage includes risks or exposures partially located or to be performed in another state"

25. Page 14, line 21 through page 15, line 3.

Strike: subsections (3) and (4) in their entirety

26. Page 15, line 4 through line 10.

Strike: "(5)" on line 4 through "Montana" on line 10

Insert: "(2) Except as provided in [section 17], if this state"

27. Page 15, line 12.

Strike: "Montana"

Insert: "this state"

28. Page 15, line 13 through page 16, line 10.

Strike: "(b)" on page 15, line 13 through "." on page 16, line 10

Insert: "(3) The commissioner by rule shall establish procedures that provide for the collection and payment of premium taxes, as well as the reporting of premium tax and surplus lines insurance transaction data, in accordance with the provisions of the Nonadmitted and Reinsurance Reform Act of 2010, Title V, subtitle B, of Public Law 111-203, for payment of taxes on this state's portion of risks covered by surplus lines

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

insurance policies transacted outside this state that cover risks with exposures both in this state and outside this state."

29. Page 19, line 19.

Strike: "33-2-311"

Insert: "[section 17]"

30. Page 19, line 27.

Following: "lines"

Insert: "insurance"

31. Page 19, line 30.

Strike: "INSURANCE PRODUCERS ASSOCIATION"

Insert: "advisory organization"

32. Page 20, lines 1 and 2.

Strike: subsection (1) in its entirety

Insert: "(1) A surplus lines insurance advisory organization of surplus lines insurance producers may be formed to:

(a) facilitate and encourage compliance by its members with the laws of this state and the rules of the commissioner relative to surplus lines insurance;

(b) communicate with organizations of authorized insurers with respect to the proper use of the surplus lines insurance market;

(c) receive and disseminate to its members information relative to surplus lines insurance; and

(d) communicate member and industry concerns to the commissioner.

(2) The surplus lines insurance advisory organization shall file with the commissioner:

(a) a copy of its constitution, its articles of agreement or association, or its certificate of incorporation;

(b) a copy of its bylaws, rules, and regulations governing its activities;

(c) a current list of its members."

Renumber: subsequent subsection

33. Page 20, line 3 through line 4.

Strike: "IF" on line 3 through "THE" on line 4

Insert: "The"

34. Page 20, line 4.

Strike: "ASSOCIATION"

Insert: "organization"

35. Page 20, following line 6.

Insert: "NEW SECTION. Section 17. Authorization for agreements with other state regarding multistate risks. (1) Following negotiated rulemaking under Title 2, chapter 5, the

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

commissioner may enter into a cooperative or reciprocal agreement with other states, individually or collectively, for the purposes of collecting, allocating, and disbursing premium taxes and fees attributable to multistate risks. The allocation methodology of any agreement must be based upon readily available data, with simplicity and uniformity for the surplus lines insurance producer as a material consideration. Any agreement regarding multistate risks may require that a single, blended tax rate be used.

(2) An agreement entered into under this section must provide for:

(a) uniform eligibility standards for unauthorized insurers;

(b) uniform methods for reporting surplus lines insurance transactions and sharing information between the parties to the agreement based upon readily available data;

(c) uniform methods for allocating and reporting surplus lines insurance risk classifications based upon readily available data;

(d) uniform procedures for the collection, allocation, and distribution of taxes and fees attributable to the multistate risks;

(e) uniform disclosures to policyholders regarding the reporting and collection of premium taxes on multistate risks;

(f) an allocation methodology and resulting collection of premium tax revenue, less costs of administration and collection, that generate premium tax revenue not less than the premium tax revenue collected under 33-2-311;

(g) minimizing the data collection and reporting burden on insureds and surplus lines insurance producers;

(h) a withdrawal process that minimizes instability among the participating states and the surplus lines and insurance industries;

(i) regulatory provisions that provide certainty regarding compliance to all persons having an interest in surplus lines insurance transactions, including but not limited to insureds, regulators, surplus lines insurance producers, other insurance producers, and surplus lines insurers; and

(j) continued collection of premium taxes under 33-2-311 until the collection infrastructure under the agreement is fully operational and the provisions of the agreement are fully implemented.

(3) If the commissioner has entered into an agreement under subsection (1) for multistate risks and the agreement provides that each participating state develop a single, blended tax rate for multistate risks:

(a) the provisions of 50-3-109 are not applicable to the collection of premium taxes;

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

(b) the single, blended tax rate must be 3.3% on premiums and must be computed in the manner provided in 33-2-705(1) as to premiums of authorized insurers, except that amounts collected from the insured specifically for applicable state and federal taxes and in excess of the premium otherwise required are not considered to be part of the premium for the purposes of the computation; and

(c) the 3.3% tax collected must be distributed as follows:

(i) 2.75% must be considered premium taxes as provided in 33-2-705 and paid to the state general fund; and

(ii) 0.55% must be considered fire premium taxes as provided in 50-3-109 and paid to the state general fund.

(4) If a single-state risk is involved and Montana is the home state of the insured, the surplus lines transaction must be submitted to the commissioner and the commissioner shall collect the tax at the same rate and in the same manner as provided in 33-2-705.

(5) If the commissioner has entered into a cooperative or reciprocal agreement under subsection (1), the commissioner may contract with the designated clearinghouse to process multistate risks and allocate and distribute taxes and fees collected.

(6) As used in this section, "readily available data" means Montana-specific data, if any, used to rate a surplus lines insurance policy."

Renumber: subsequent sections

36. Page 20, line 8.

Strike: "AND"

Following: "16"

Insert: ", and 17"

37. Page 20, line 10.

Strike: "AND"

Following: "16"

Insert: ", and 17"

38. Page 20, line 19.

Strike: "[the effective date of this act]"

Insert: "July 1, 2011"

And, as amended, be concurred in. Report adopted.

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

SB 418, be amended as follows:

1. Page 1, line 23.

Strike: "or"

2. Page 1, line 24.

Following: "action"

Insert: "; or

(c) the Montana university system as a requirement for students"

And, as amended, be concurred in. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 4/4/2011
SB 233, be amended as follows:

1. Title, page 1, line 11.

Following: "ACT;"

Insert: "REVISING THE ENVIRONMENTAL REVIEW FEE ASSESSMENT;"

Following: "75-1-201,"

Insert: "75-1-203,"

2. Title, page 1, line 12.

Strike: "AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"

Insert: "EFFECTIVE DATES, AN APPLICABILITY DATE, AND A CONTINGENT TERMINATION DATE"

3. Page 7, line 13.

Insert: "**Section 3.** Section 75-1-203, MCA, is amended to read:

"75-1-203. Fee schedule -- maximums. (1) In prescribing fees to be assessed against applicants for a lease, permit, contract, license, or certificate as specified in 75-1-202, an agency may adopt a fee schedule that may be adjusted depending upon the size and complexity of the proposed project. A fee may not be assessed unless the application for a lease, permit, contract, license, or certificate will result in the agency incurring expenses in excess of ~~\$2,500~~ \$2,501 to compile an environmental impact statement.

(2) The maximum fee that may be imposed by an agency may not exceed 2% of any estimated cost up to \$1 million, plus 1% of any estimated cost over \$1 million and up to \$20 million, plus 1/2 of 1% of any estimated cost over \$20 million and up to \$100 million, plus 1/4 of 1% of any estimated cost over \$100 million and up to \$300 million, plus 1/8 of 1% of any estimated cost in excess of \$300 million.

(3) If an application consists of two or more facilities, the filing fee must be based on the total estimated cost of the combined facilities. The estimated cost must be determined by the agency and the applicant at the time the application is filed.

(4) Each agency shall review and revise its rules imposing fees as authorized by this part at least every 2 years.

(5) In calculating fees under this section, the agency may not include in the estimated

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

project cost the project sponsor's property or other interests already owned by the project sponsor at the time the application is submitted. Any fee assessed may be based only on the projected cost of acquiring all of the information and data needed for the environmental impact statement."

"

Renumber: subsequent sections

4. Page 11.

Following: line 5

Insert: "COORDINATION SECTION. Section 6. Coordination instruction. If [this act] is passed and approved and Senate Bill No. 317 is not passed and approved or if both [this act] and Senate Bill No. 317 are passed and approved, then Senate Bill No. 317 is void, the amendments to 75-1-201 contained in [section 2 of this act] are void, and 75-1-201 must be amended as follows:

"75-1-201. General directions -- environmental impact statements. (1) The legislature authorizes and directs that, to the fullest extent possible:

(a) the policies, regulations, and laws of the state must be interpreted and administered in accordance with the policies set forth in parts 1 through 3;

(b) under this part, all agencies of the state, except the legislature and except as provided in ~~subsection (2)~~ subsections (2) and (3), shall:

(i) use a systematic, interdisciplinary approach that will ensure:

(A) the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking for a state-sponsored project that may have an impact on the Montana human environment by projects in Montana; and

(B) that in any environmental review that is not subject to subsection (1)(b)(iv), when an agency considers alternatives, the alternative analysis will be in compliance with the provisions of subsections (1)(b)(iv)(C)(I) ~~through (1)(b)(iv)(C)(III)~~ and (1)(b)(iv)(C)(II) and, if requested by the project sponsor or if determined by the agency to be necessary, subsection ~~(1)(b)(iv)(C)(IV)~~ (1)(b)(iv)(C)(III);

(ii) identify and develop methods and procedures that will ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking for state-sponsored projects, along with economic and technical considerations;

(iii) identify and develop methods and procedures that will ensure that state government actions that may impact the human environment in Montana are evaluated for regulatory restrictions on private property, as provided in subsection (1)(b)(iv)(D);

(iv) include in each recommendation or report on proposals for projects, programs, and other major actions of state government significantly affecting the quality of the human environment in Montana a detailed statement on:

(A) the environmental impact of the proposed action;

(B) any adverse ~~environmental~~ effects on Montana's environment that cannot be avoided if the proposal is implemented;

(C) alternatives to the proposed action. An analysis of any alternative included in the environmental review must comply with the following criteria:

(I) any alternative proposed must be reasonable, in that the alternative must be achievable under current technology and the alternative must be economically feasible as determined solely by the economic viability for similar projects having similar conditions and physical locations and

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

determined without regard to the economic strength of the specific project sponsor;

(II) the agency proposing the alternative shall consult with the project sponsor regarding any proposed alternative, and the agency shall give due weight and consideration to the project sponsor's comments regarding the proposed alternative;

~~(III) if the project sponsor believes that an alternative is not reasonable as provided in subsection (1)(b)(iv)(C)(I), the project sponsor may request a review by the appropriate board, if any, of the agency's determination regarding the reasonableness of the alternative. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue. The agency may not charge the project sponsor for any of its activities associated with any review under this section. The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in 75-1-208.~~

~~(IV)(III)~~ the agency shall complete a meaningful no-action alternative analysis. The no-action alternative analysis must include the projected beneficial and adverse environmental, social, and economic impact of the project's noncompletion.

(D) any regulatory impacts on private property rights, including whether alternatives that reduce, minimize, or eliminate the regulation of private property rights have been analyzed. The analysis in this subsection (1)(b)(iv)(D) need not be prepared if the proposed action does not involve the regulation of private property.

(E) the relationship between local short-term uses of the Montana human environment and the maintenance and enhancement of long-term productivity;

(F) any irreversible and irretrievable commitments of resources that would be involved in the proposed action if it is implemented;

(G) the customer fiscal impact analysis, if required by 69-2-216; and

(H) the details of the beneficial aspects of the proposed project, both short-term and long-term, and the economic advantages and disadvantages of the proposal;

(v) in accordance with the criteria set forth in subsection (1)(b)(iv)(C), study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources; If the alternatives analysis is conducted for a project that is not a state-sponsored project and alternatives are recommended, the project sponsor may volunteer to implement the alternative. Neither the alternatives analysis nor the resulting recommendations bind the project sponsor to take a recommended course of action, but the project sponsor may agree pursuant to subsection (4)(b) to a specific course of action.

(vi) recognize the ~~national and potential~~ long-range character of environmental ~~problems~~ impacts in Montana and, when consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize ~~national~~ cooperation in anticipating and preventing a decline in the quality of ~~the world~~ Montana's environment;

(vii) make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of ~~the~~ Montana's environment;

(viii) initiate and use ecological information in the planning and development of resource-oriented projects; and

(ix) assist the legislature and the environmental quality council established by 5-16-101;

(c) prior to making any detailed statement as provided in subsection (1)(b)(iv), the responsible state official shall consult with and obtain the comments of any state agency that has

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

jurisdiction by law or special expertise with respect to any environmental impact involved in Montana and with any Montana local government, as defined in 7-12-1103, that may be directly impacted by the project. The responsible state official shall also consult with and obtain comments from any state agency in Montana with respect to any regulation of private property involved. Copies of the statement and the comments and views of the appropriate state, federal, and local agencies that are authorized to develop and enforce environmental standards must be made available to the governor, the environmental quality council, and the public and must accompany the proposal through the existing agency review processes.

(d) a transfer of an ownership interest in a lease, permit, license, certificate, or other entitlement for use or permission to act by an agency, either singly or in combination with other state agencies, does not trigger review under subsection (1)(b)(iv) if there is not a material change in terms or conditions of the entitlement or unless otherwise provided by law.

(2) (a) Except as provided in subsection (2)(b), an environmental review conducted pursuant to subsection (1) may not include a review of actual or potential impacts beyond Montana's borders. It may not include actual or potential impacts that are regional, national, or global in nature.

(b) An environmental review conducted pursuant to subsection (1) may include a review of actual or potential impacts beyond Montana's borders if it is conducted by:

- (i) the department of fish, wildlife, and parks for the management of wildlife and fish;
- (ii) an agency reviewing an application for a project that is not a state-sponsored project to the extent that the review is required by law, rule, or regulation; or
- (iii) a state agency and a federal agency to the extent the review is required by the federal agency.

(2)(3) The department of public service regulation, in the exercise of its regulatory authority over rates and charges of railroads, motor carriers, and public utilities, is exempt from the provisions of parts 1 through 3.

~~(3) (a) In any action challenging or seeking review of an agency's decision that a statement pursuant to subsection (1)(b)(iv) is not required or that the statement is inadequate, the burden of proof is on the person challenging the decision. Except as provided in subsection (3)(b), in a challenge to the adequacy of a statement, a court may not consider any issue relating to the adequacy or content of the agency's environmental review document or evidence that was not first presented to the agency for the agency's consideration prior to the agency's decision. A court may not set aside the agency's decision unless it finds that there is clear and convincing evidence that the decision was arbitrary or capricious or not in compliance with law. A customer fiscal impact analysis pursuant to 69-2-216 or an allegation that the customer fiscal impact analysis is inadequate may not be used as the basis of any action challenging or seeking review of the agency's decision.~~

~~(b) When new, material, and significant evidence or issues relating to the adequacy or content of the agency's environmental review document are presented to the district court that had not previously been presented to the agency for its consideration, the district court shall remand the new evidence or issue relating to the adequacy or content of the agency's environmental review document back to the agency for the agency's consideration and an opportunity to modify its findings of fact and administrative decision before the district court considers the evidence or issue relating to the adequacy or content of the agency's environmental review document within the administrative record under review. Immaterial or insignificant evidence or issues relating to the adequacy or content of the agency's environmental review document may not be remanded to the agency. The district court shall review the agency's findings and decision to determine whether they~~

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

~~are supported by substantial, credible evidence within the administrative record under review.~~

~~———— (4) To the extent that the requirements of subsections (1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(III) are inconsistent with federal requirements, the requirements of subsections (1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(III) do not apply to an environmental review that is being prepared by a state agency pursuant to this part and a federal agency pursuant to the National Environmental Policy Act or to an environmental review that is being prepared by a state agency to comply with the requirements of the National Environmental Policy Act.~~

~~(5)(4)~~ (a) The agency may not withhold, deny, or impose conditions on any permit or other authority to act based on parts 1 through 3 of this chapter.

(b) Nothing in this subsection ~~(5)~~ (4) prevents a project sponsor and an agency from mutually developing measures that may, at the request of a project sponsor, be incorporated into a permit or other authority to act.

(c) Parts 1 through 3 of this chapter do not confer authority to an agency that is a project sponsor to modify a proposed project or action.

~~(6)(5)~~ (a) (i) A challenge to an agency action under this part may only be brought against a final agency action and may only be brought in district court or in federal court, whichever is appropriate.

(ii) Any action or proceeding challenging a final agency action alleging failure to comply with or inadequate compliance with a requirement under this part must be brought within 60 days of the action that is the subject of the challenge.

(iii) For an action taken by the board of land commissioners or the department of natural resources and conservation under Title 77, "final agency action" means the date that the board of land commissioners or the department of natural resources and conservation issues a final environmental review document under this part or the date that the board approves the action that is subject to this part, whichever is later.

(b) Any action or proceeding under subsection ~~(6)(a)(ii)~~ (5)(a)(ii) must take precedence over other cases or matters in the district court unless otherwise provided by law.

(c) Any judicial action or proceeding brought in district court under subsection ~~(6)(a)~~ (5)(a) involving an equine slaughter or processing facility must comply with 81-9-240 and 81-9-241.

(6) (a) (i) In an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3, including a challenge to an agency's decision that an environmental review is not required or a claim that the environmental review is inadequate, the agency shall compile and submit to the court the certified record of its decision at issue, and except as provided in subsection (6)(b), the person challenging the decision has the burden of proving the claim by clear and convincing evidence contained in the record.

(ii) Except as provided in subsection (6)(b), in a challenge to the agency's decision or the adequacy of an environmental review, a court may not consider any information, including but not limited to an issue, comment, argument, proposed alternative, analysis, or evidence, that was not first presented to the agency for the agency's consideration prior to the agency's decision or within the time allowed for comments to be submitted.

(iii) Except as provided in subsection (6)(b), the court shall confine its review to the record certified by the agency. The court shall affirm the agency's decision or the environmental review unless the court specifically finds that the agency's decision was arbitrary and capricious or was otherwise not in accordance with law.

(iv) A customer fiscal impact analysis pursuant to 69-2-216 or an allegation that the customer fiscal impact analysis is inadequate may not be used as the basis of an action

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

challenging or seeking review of the agency's decision.

(b) (i) When a party challenging the decision or the adequacy of the environmental review or decision presents information not in the record certified by the agency, the challenging party shall certify under oath in an affidavit that the information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or the adequacy of the agency's environmental review.

(ii) If upon reviewing the affidavit the court finds that the proffered information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or to the adequacy of the agency's environmental review, the court shall remand the new evidence to the agency for the agency's consideration and an opportunity to modify its decision or environmental review before the court considers the evidence as a part of the administrative record under review.

(iii) If the court finds that the information in the affidavit does not meet the requirements of subsection (6)(b)(i), the court may not remand the matter to the agency or consider the proffered information in making its decision.

(c) The remedy in any action brought for failure to comply with or for inadequate compliance with a requirement of parts 1 through 3 of this chapter is limited to remand to the agency to correct deficiencies in the environmental review conducted pursuant to subsection (1).

(d) A permit, license, lease, or other authorization issued by an agency is valid and may not be enjoined, voided, nullified, revoked, modified, or suspended pending the completion of an environmental review that may be remanded by a court.

(e) An individual or entity seeking a lease, permit, license, certificate, or other entitlement or authority to act may intervene in a lawsuit in court challenging a decision or statement by a department or agency of the state as a matter of right if the individual or entity has not been named as a defendant.

(f) Attorney fees or costs may not be awarded to the prevailing party in an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3.

(7) For purposes of judicial review, to the extent that the requirements of this section are inconsistent with the provisions of the National Environmental Policy Act, the requirements of this section apply to an environmental review or any severable portion of an environmental review within the state's jurisdiction that is being prepared by a state agency pursuant to this part in conjunction with a federal agency proceeding pursuant to the National Environmental Policy Act.

(7)(8) The director of the agency responsible for the determination or recommendation shall endorse in writing any determination of significance made under subsection (1)(b)(iv) or any recommendation that a determination of significance be made.

(8)(9) A project sponsor may request a review of the significance determination or recommendation made under subsection (7) (8) by the appropriate board, if any. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue. The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in 75-1-208."

{Internal References to 75-1-201:

2-4-405x	75-1-104x	75-1-106x	75-1-106x
75-1-106x	75-1-202x	75-1-208x	75-1-208x
75-1-208x	75-2-211x	75-5-803x	75-20-231x
77-2-363x	77-5-201x	77-5-212x	82-4-250x

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

82-4-250x 82-4-337x 90-6-307x }"

5. Page 11.

Following: line 5

Insert: "COORDINATION SECTION. Section 7. Coordination instruction. If [this act] is passed and approved and Senate Bill No. 317 is not passed and approved or if both [this act] and Senate Bill No. 317 are passed and approved, then Senate Bill No. 317 is void, the amendments to 75-1-201 contained in [section 2 of this act] are void, and 75-1-201 must be amended as follows:

"75-1-201. General directions -- environmental impact statements. (1) The legislature authorizes and directs that, to the fullest extent possible:

 (a) the policies, regulations, and laws of the state must be interpreted and administered in accordance with the policies set forth in parts 1 through 3;

 (b) under this part, all agencies of the state, except the legislature and except as provided in ~~subsection (2)~~ subsections (2) and (3), shall:

 (i) use a systematic, interdisciplinary approach that will ensure:

 (A) the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking for a state-sponsored project that may have an impact on the Montana human environment by projects in Montana; and

 (B) that in any environmental review that is not subject to subsection (1)(b)(iv), when an agency considers alternatives, the alternative analysis will be in compliance with the provisions of subsections (1)(b)(iv)(C)(I) ~~through (1)(b)(iv)(C)(III)~~ and (1)(b)(iv)(C)(II) and, if requested by the project sponsor or if determined by the agency to be necessary, subsection ~~(1)(b)(iv)(C)(IV)~~ (1)(b)(iv)(C)(III);

 (ii) identify and develop methods and procedures that will ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking for state-sponsored projects, along with economic and technical considerations;

 (iii) identify and develop methods and procedures that will ensure that state government actions that may impact the human environment in Montana are evaluated for regulatory restrictions on private property, as provided in subsection (1)(b)(iv)(D);

 (iv) include in each recommendation or report on proposals for projects, programs, and other major actions of state government significantly affecting the quality of the human environment in Montana a detailed statement on:

 (A) the environmental impact of the proposed action;

 (B) any adverse ~~environmental~~ effects on Montana's environment that cannot be avoided if the proposal is implemented;

 (C) alternatives to the proposed action. An analysis of any alternative included in the environmental review must comply with the following criteria:

 (I) any alternative proposed must be reasonable, in that the alternative must be achievable under current technology and the alternative must be economically feasible as determined solely by the economic viability for similar projects having similar conditions and physical locations and determined without regard to the economic strength of the specific project sponsor;

 (II) the agency proposing the alternative shall consult with the project sponsor regarding any proposed alternative, and the agency shall give due weight and consideration to the project sponsor's comments regarding the proposed alternative;

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

~~(III) if the project sponsor believes that an alternative is not reasonable as provided in subsection (1)(b)(iv)(C)(I), the project sponsor may request a review by the appropriate board, if any, of the agency's determination regarding the reasonableness of the alternative. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue. The agency may not charge the project sponsor for any of its activities associated with any review under this section. The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in 75-1-208.~~

~~(IV)(III)~~ the agency shall complete a meaningful no-action alternative analysis. The no-action alternative analysis must include the projected beneficial and adverse environmental, social, and economic impact of the project's noncompletion.

(D) any regulatory impacts on private property rights, including whether alternatives that reduce, minimize, or eliminate the regulation of private property rights have been analyzed. The analysis in this subsection (1)(b)(iv)(D) need not be prepared if the proposed action does not involve the regulation of private property.

(E) the relationship between local short-term uses of the Montana human environment and the maintenance and enhancement of long-term productivity;

(F) any irreversible and irretrievable commitments of resources that would be involved in the proposed action if it is implemented;

(G) the customer fiscal impact analysis, if required by 69-2-216; and

(H) the details of the beneficial aspects of the proposed project, both short-term and long-term, and the economic advantages and disadvantages of the proposal;

(v) in accordance with the criteria set forth in subsection (1)(b)(iv)(C), study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources; If the alternatives analysis is conducted for a project that is not a state-sponsored project and alternatives are recommended, the project sponsor may volunteer to implement the alternative. Neither the alternatives analysis nor the resulting recommendations bind the project sponsor to take a recommended course of action, but the project sponsor may agree pursuant to subsection (4)(b) to a specific course of action.

(vi) recognize the ~~national and potential~~ long-range character of environmental ~~problems~~ impacts in Montana and, when consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize ~~national~~ cooperation in anticipating and preventing a decline in the quality of ~~the world~~ Montana's environment;

(vii) make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of ~~the~~ Montana's environment;

(viii) initiate and use ecological information in the planning and development of resource-oriented projects; and

(ix) assist the legislature and the environmental quality council established by 5-16-101;

(c) prior to making any detailed statement as provided in subsection (1)(b)(iv), the responsible state official shall consult with and obtain the comments of any state agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in Montana and with any Montana local government, as defined in 7-12-1103, that may be directly impacted by the project. The responsible state official shall also consult with and obtain comments from any state agency in Montana with respect to any regulation of private property involved.

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Copies of the statement and the comments and views of the appropriate state, federal, and local agencies that are authorized to develop and enforce environmental standards must be made available to the governor, the environmental quality council, and the public and must accompany the proposal through the existing agency review processes.

(d) a transfer of an ownership interest in a lease, permit, license, certificate, or other entitlement for use or permission to act by an agency, either singly or in combination with other state agencies, does not trigger review under subsection (1)(b)(iv) if there is not a material change in terms or conditions of the entitlement or unless otherwise provided by law.

(2) (a) Except as provided in subsection (2)(b), an environmental review conducted pursuant to subsection (1) may not include a review of actual or potential impacts beyond Montana's borders. It may not include actual or potential impacts that are regional, national, or global in nature.

(b) An environmental review conducted pursuant to subsection (1) may include a review of actual or potential impacts beyond Montana's borders if it is conducted by:

- (i) the department of fish, wildlife, and parks for the management of wildlife and fish;
- (ii) an agency reviewing an application for a project that is not a state-sponsored project to the extent that the review is required by law, rule, or regulation; or
- (iii) a state agency and a federal agency to the extent the review is required by the federal agency.

(2)(3) The department of public service regulation, in the exercise of its regulatory authority over rates and charges of railroads, motor carriers, and public utilities, is exempt from the provisions of parts 1 through 3.

~~(3) (a) In any action challenging or seeking review of an agency's decision that a statement pursuant to subsection (1)(b)(iv) is not required or that the statement is inadequate, the burden of proof is on the person challenging the decision. Except as provided in subsection (3)(b), in a challenge to the adequacy of a statement, a court may not consider any issue relating to the adequacy or content of the agency's environmental review document or evidence that was not first presented to the agency for the agency's consideration prior to the agency's decision. A court may not set aside the agency's decision unless it finds that there is clear and convincing evidence that the decision was arbitrary or capricious or not in compliance with law. A customer fiscal impact analysis pursuant to 69-2-216 or an allegation that the customer fiscal impact analysis is inadequate may not be used as the basis of any action challenging or seeking review of the agency's decision.~~

~~(b) When new, material, and significant evidence or issues relating to the adequacy or content of the agency's environmental review document are presented to the district court that had not previously been presented to the agency for its consideration, the district court shall remand the new evidence or issue relating to the adequacy or content of the agency's environmental review document back to the agency for the agency's consideration and an opportunity to modify its findings of fact and administrative decision before the district court considers the evidence or issue relating to the adequacy or content of the agency's environmental review document within the administrative record under review. Immaterial or insignificant evidence or issues relating to the adequacy or content of the agency's environmental review document may not be remanded to the agency. The district court shall review the agency's findings and decision to determine whether they are supported by substantial, credible evidence within the administrative record under review.~~

~~(4) To the extent that the requirements of subsections (1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(III) are inconsistent with federal requirements, the requirements of subsections (1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(III) do not apply to an environmental review that is being prepared by a state agency~~

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

~~pursuant to this part and a federal agency pursuant to the National Environmental Policy Act or to an environmental review that is being prepared by a state agency to comply with the requirements of the National Environmental Policy Act.~~

~~(5)(4)~~ (a) The agency may not withhold, deny, or impose conditions on any permit or other authority to act based on parts 1 through 3 of this chapter.

(b) Nothing in this subsection ~~(5)~~ (4) prevents a project sponsor and an agency from mutually developing measures that may, at the request of a project sponsor, be incorporated into a permit or other authority to act.

(c) Parts 1 through 3 of this chapter do not confer authority to an agency that is a project sponsor to modify a proposed project or action.

~~(6)(5)~~ (a) (i) A challenge to an agency action under this part may only be brought against a final agency action and may only be brought in district court or in federal court, whichever is appropriate.

(ii) Any action or proceeding challenging a final agency action alleging failure to comply with or inadequate compliance with a requirement under this part must be brought within 60 days of the action that is the subject of the challenge.

(iii) For an action taken by the board of land commissioners or the department of natural resources and conservation under Title 77, "final agency action" means the date that the board of land commissioners or the department of natural resources and conservation issues a final environmental review document under this part or the date that the board approves the action that is subject to this part, whichever is later.

(b) Any action or proceeding under subsection ~~(6)(a)(ii)~~ (5)(a)(ii) must take precedence over other cases or matters in the district court unless otherwise provided by law.

(c) Any judicial action or proceeding brought in district court under subsection ~~(6)(a)~~ (5)(a) involving an equine slaughter or processing facility must comply with 81-9-240 and 81-9-241.

(6) (a) (i) In an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3, including a challenge to an agency's decision that an environmental review is not required or a claim that the environmental review is inadequate, the agency shall compile and submit to the court the certified record of its decision at issue, and except as provided in subsection (6)(b), the person challenging the decision has the burden of proving the claim by clear and convincing evidence contained in the record.

(ii) Except as provided in subsection (6)(b), in a challenge to the agency's decision or the adequacy of an environmental review, a court may not consider any information, including but not limited to an issue, comment, argument, proposed alternative, analysis, or evidence, that was not first presented to the agency for the agency's consideration prior to the agency's decision or within the time allowed for comments to be submitted.

(iii) Except as provided in subsection (6)(b), the court shall confine its review to the record certified by the agency. The court shall affirm the agency's decision or the environmental review unless the court specifically finds that the agency's decision was arbitrary and capricious or was otherwise not in accordance with law.

(iv) A customer fiscal impact analysis pursuant to 69-2-216 or an allegation that the customer fiscal impact analysis is inadequate may not be used as the basis of an action challenging or seeking review of the agency's decision.

(b) (i) When a party challenging the decision or the adequacy of the environmental review or decision presents information not in the record certified by the agency, the challenging party shall certify under oath in an affidavit that the information is new, material, and significant evidence

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

that was not publicly available before the agency's decision and that is relevant to the decision or the adequacy of the agency's environmental review.

(ii) If upon reviewing the affidavit the court finds that the proffered information is new, material, and significant evidence that was not publicly available before the agency's decision and that is relevant to the decision or to the adequacy of the agency's environmental review, the court shall remand the new evidence to the agency for the agency's consideration and an opportunity to modify its decision or environmental review before the court considers the evidence as a part of the administrative record under review.

(iii) If the court finds that the information in the affidavit does not meet the requirements of subsection (6)(b)(i), the court may not remand the matter to the agency or consider the proffered information in making its decision.

(c) (i) The remedies provided in this section for successful challenges to a decision of the agency or the adequacy of the statement are exclusive.

(ii) Notwithstanding the provisions of 27-19-201 and 27-19-314, a court having considered the pleadings of parties and intervenors opposing a request for a temporary restraining order, preliminary injunction, permanent injunction, or other equitable relief may not enjoin the issuance or effectiveness of a license or permit or a part of a license or permit issued pursuant to Title 75 or Title 82 unless the court specifically finds that the party requesting the relief is more likely than not to prevail on the merits of its complaint given the uncontroverted facts in the record and applicable law and, in the absence of a temporary restraining order, a preliminary injunction, a permanent injunction, or other equitable relief, that the:

(A) party requesting the relief will suffer irreparable harm in the absence of the relief;

(B) issuance of the relief is in the public interest. In determining whether the grant of the relief is in the public interest, a court:

(I) may not consider the legal nature or character of any party; and

(II) shall consider the implications of the relief on the local and state economy and make written findings with respect to both.

(C) relief is as narrowly tailored as the facts allow to address both the alleged noncompliance and the irreparable harm the party asking for the relief will suffer. In tailoring the relief, the court shall ensure, to the extent possible, that the project or as much of the project as possible can go forward while also providing the relief to which the applicant has been determined to be entitled.

(d) The court may issue a temporary restraining order, preliminary injunction, permanent injunction, or other injunctive relief only if the party seeking the relief provides a written undertaking to the court in an amount reasonably calculated by the court as adequate to pay the costs and damages sustained by any party that may be found to have been wrongfully enjoined or restrained by a court through a subsequent judicial decision in the case. If the party seeking an injunction or a temporary restraining order objects to the amount of the written undertaking for any reason, including but not limited to its asserted inability to pay, that party shall file an affidavit with the court that states the party's income, assets, and liabilities in order to facilitate the court's consideration of the amount of the written undertaking that is required. The affidavit must be served on the party enjoined.

(e) An individual or entity seeking a lease, permit, license, certificate, or other entitlement or authority to act may intervene in a lawsuit in court challenging a decision or statement by a department or agency of the state as a matter of right if the individual or entity has not been named as a defendant.

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

(f) Attorney fees or costs may not be awarded to the prevailing party in an action alleging noncompliance or inadequate compliance with a requirement of parts 1 through 3.

(7) For purposes of judicial review, to the extent that the requirements of this section are inconsistent with the provisions of the National Environmental Policy Act, the requirements of this section apply to an environmental review or any severable portion of an environmental review within the state's jurisdiction that is being prepared by a state agency pursuant to this part in conjunction with a federal agency proceeding pursuant to the National Environmental Policy Act.

~~(7)~~(8) The director of the agency responsible for the determination or recommendation shall endorse in writing any determination of significance made under subsection (1)(b)(iv) or any recommendation that a determination of significance be made.

~~(8)~~(9) A project sponsor may request a review of the significance determination or recommendation made under subsection ~~(7)~~ (8) by the appropriate board, if any. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue. The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in 75-1-208."

{Internal References to 75-1-201:

2-4-405	75-1-104	75-1-106	75-1-106
75-1-106	75-1-202	75-1-208	75-1-208
75-1-208	75-2-211	75-5-803	75-20-231
77-2-363	77-5-201	77-5-212	82-4-250
82-4-250	82-4-337	90-6-307	}

Renumber: subsequent sections

6. Page 11, line 11.

Strike: section 6 in its entirety

Insert: "NEW SECTION. Section 9. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) The amendments to 75-1-201 contained in [section 7] are effective on the date that the contingency provided for in [section 11] occurs."

Renumber: subsequent sections

7. Page 11.

Following: line 14

Insert: "NEW SECTION. Section 11. Termination -- contingency. If either subsection (6)(c) or (6)(d) of 75-1-201, as included in [section 6], is invalidated or found to be unconstitutional by the Montana supreme court, then the amendments to 75-1-201 contained in [section 6] terminate on the date of the invalidation or the finding of unconstitutionality."

And, as amended, be concurred in. Report adopted.

SB 415, be concurred in. Report adopted.

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

NATURAL RESOURCES (Hendrick, Chairman):
SB 409, be amended as follows:

4/4/2011

1. Page 1, line 26.

Strike: "30"

Insert: "180"

2. Page 1, line 27.

Strike: "SHALL"

Insert: "may"

3. Page 4, line 9.

Following: line 8

Insert: "(iv) Within 3 years of canceling, terminating, or abandoning a cabin site lease, the owner of the improvements shall sell the improvements, remove the improvements, or transfer ownership of the improvements to the state. If ownership is transferred to the state, proceeds from the sale of the improvements must be paid to the owner who transferred the improvements. The board shall set the conditions of the sale of transferred improvements in order to sell the improvements in an expedient manner."

And, as amended, be concurred in. Report adopted.

SB 410, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bill not concurred in and returned to the House:

4/2/2011

HB 206, introduced by MacLaren

MESSAGES FROM THE GOVERNOR

April 4, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Peterson and Speaker Milburn:

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HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto Senate Bill 176, **"AN ACT PROHIBITING QUALIFIED HEALTH INSURANCE PLANS OFFERED THROUGH A HEALTH INSURANCE EXCHANGE IN MONTANA FROM COVERING ABORTION SERVICES"** for the following reasons. I issue this veto because I have been advised that SB 176 is unconstitutional under Montana's constitutional guarantee of individual privacy.

Unlike the federal constitution, Article II, section 10 of the Montana Constitution guarantees Montanans an express right of privacy. The Montana Supreme Court has held, unequivocally, that the state constitutional right of privacy embraces the right of a woman to decide whether to have an abortion. *Armstrong v. State*, 1999 MT 261. I have been advised that SB 176 infringes upon the right of privacy and a woman's right to access reproductive health care found in the Montana Constitution, and for this reason is unconstitutional.

Senate Bill 176 implements a provision of the federal health care reform act related to insurance plans offered through health insurance exchanges, which will be launched in 2014. The federal act authorizes states to prohibit abortion coverage in health insurance plans offered through an exchange in their state (the "opt-out" provision). SB 176 is Montana lawmakers' attempt to implement the "opt-out" provision in Montana. It must be mentioned, also, that payment for a "rider" to a health insurance plan offered through an exchange would lie solely with the consumer purchasing the plan. It is not paid for by the federal government or with federal or state funds.

While the federal health care reform act gives states the option whether to exclude abortion coverage from all health insurance plans offered through an exchange, when Montana exercises its discretion, the state is bound by the requirements of Montana's own Constitution.

The Montana Supreme Court stated in *Armstrong*: "[T]he State has no more compelling interest or constitutional justification for interfering with the exercise of this right [of a woman to terminate her pre-viability pregnancy] than it would if she chose to carry the fetus to term. . . . [I]f the State has the power to infringe the right of procreative autonomy in favor of birth, then, necessarily, it also has the power to require abortion under some circumstances." *Id.* at ¶ 49.

Montana case law could not be clearer. Under that case law, I have been advised that SB 176 is unconstitutional. It would be a waste of taxpayer's money and the State's resources to sign a bill that is unconstitutional and subject the State and other parties to unnecessary litigation. It is for this reason that I have chosen to veto SB 176.

Each of us holds deep and differing opinions on the subject of abortion, including the circumstances under which either an abortion, itself, or government regulation of abortion is appropriate. However, given my obligation to uphold the Montana Constitution, and where legal counsel has advised me that SB 176 is unconstitutional, I believe I have no choice but to veto the bill.

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

I respectfully ask that you sustain my veto of SB 176 for the same reasons.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 32, introduced by Connell, referred to Fish, Wildlife and Parks.

The following House resolution was introduced, read first time, and referred to committee:

HR 2, introduced by Milburn, referred to State Administration.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 12 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Belcourt, Kerns, Klock, Miller, Skattum, Skees, Small, Stahl, Wagner, Welborn.

Total 10

Excused: Evans.

Total 1

Absent or not voting: Hale.

Total 1

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

HB 69 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

Nays: G. Bennett, Gibson, Hendrick, Ingraham, Kennedy, Kerns, Skattum, Skees, Small, Wagner, Warburton.

Total 11

Excused: Evans.

Total 1

Absent or not voting: Greef, Hale.

Total 2

HB 107 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Furey, Gibson, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Flynn, Hale, Hendrick, Ingraham, Kennedy, Kerns, Skattum, Warburton.

Total 8

Excused: Evans.

Total 1

Absent or not voting: Court, Greef, Sesso.

Total 3

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

HB 125 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 90

Nays: Esp, Kerns, Knox, Skees, C. Smith, Wagner.
Total 6

Excused: Evans.
Total 1

Absent or not voting: Hiner, Knudsen, O'Hara.
Total 3

HB 216 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: Ingraham, Lavin, F. Smith.
Total 3

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

HB 295 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 310 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: Washburn.

Total 1

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

HB 336 passed as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Esp, Fitzpatrick, Furey, Greef, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Vance, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 56

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Cook, Ehli, Flynn, Gibson, Hale, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Wagner, Warburton, Welborn.

Total 43

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 469 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

HB 522 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees,

Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: Hoven, Stahl.

Total 2

HB 541 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

Nays: Barrett, B. Bennett, Court, Furey, Hands, Hill, MacDonald, Malek, Pease-Lopez, Phillips, Sands, Squires.

Total 12

Excused: Evans.

Total 1

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Absent or not voting: None.

Total 0

HB 552 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Read, Regier, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 75

Nays: G. Bennett, Burnett, Edmunds, Esp, Flynn, Hansen, Kary, Kennedy, Kerns, Knox, Knudsen, McNutt, More, Peterson, Randall, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Vance, Wagner.

Total 24

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 584 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires,

Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: O'Neil, Skattum, Skees.

Total 3

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Excused: Evans.

Total 1

Absent or not voting: Stahl.

Total 1

SB 330 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer, Yates.

Total 32

Excused: Evans.

Total 1

Absent or not voting: Hoven.

Total 1

SB 11 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart,

Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Nays: Bangerter, Fitzpatrick, Harris, Howard, Kary, Loney, McGillvray, McNiven, Peterson, Reichner, Roberts, Salomon, C. Smith.
Total 13

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

SB 16 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, Osmundson, Pease-Lopez, Phillips, Price, Randall, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Williams, Wilmer, Yates, Mr. Speaker.
Total 70

Nays: Bangerter, G. Bennett, Edmunds, Esp, Fitzpatrick, Flynn, Greef, Hale, Harris, Hendrick, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, More, O'Hara, O'Neil, Peterson, Read, Regier, Skattum, Skees, C. Smith, Wagner, Washburn, Welborn.
Total 29

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

SB 29 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, Boland, Burnett, Clark, Connell, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 56

Nays: Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Cook, Cuffe, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy,

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Kerns, Knox, Knudsen, Loney, McGillvray, McNutt, Miller, More, O'Neil, Peterson, Randall, Read, Regier, Roberts, Skattum, Skees, C. Smith, Stahl, Taylor, Wagner, Warburton.
Total 43

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

SB 30 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.
Total 74

Nays: G. Bennett, Berry, Blasdel, Brodehl, Cuffe, Edmunds, Esp, Flynn, Hale, Hansen, Hendrick, Howard, Kennedy, Kerns, Knox, More, Randall, Read, Skattum, Skees, C. Smith, Vance, Wagner, Welborn, Yates.
Total 25

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

SB 35 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 75

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Noonan, O'Neil, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Swanson, Williams, Wilmer.

Total 24

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 68 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Furey, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 75

Nays: G. Bennett, Brodehl, Cuffe, Flynn, Gibson, Hale, Hendrick, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Miller, O'Neil, Randall, Salomon, Skattum, Skees, Small, C. Smith, Vance, Wagner, Washburn.

Total 24

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 75 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 126 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Furey, Greef, Hale, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Williams, Wilmer, Mr. Speaker.

Total 62

Nays: B. Beck, G. Bennett, Blasdel, Brodehl, Cuffe, Edmunds, Esp, Fitzpatrick, Flynn, Gibson, Hansen, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, Miller, O'Neil, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Welborn, Yates.

Total 37

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 149 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Randall,

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 86

Nays: Gibson, Hale, Hansen, Kennedy, Kerns, Knox, Miller, More, Osmundson, Peterson, Skattum, Vance, Wagner.
Total 13

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

SB 172 concurred in as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 82

Nays: Arntzen, G. Bennett, Blyton, Edmunds, Esp, Flynn, Hale, Hendrick, Kary, Kennedy, Kerns, Knox, Skattum, Skees, C. Smith, Wagner, Warburton.
Total 17

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

SB 218 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris,

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

SB 219 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

SB 224 concurred in as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen,

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 63

Nays: Ankney, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 36

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 237 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 71

Nays: Barrett, B. Bennett, Boland, Brodehl, Court, Driscoll, Edmunds, Furey, Greef, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, Menahan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 28

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 242 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli,

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Boland, Malek, Mehlhoff, Price.

Total 4

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 266 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 73

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 26

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

SB 278 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 338 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Edmunds, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

SB 389 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Furey, Gibson, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 79

Nays: Bangerter, G. Bennett, Berry, Burnett, Fitzpatrick, Flynn, Greef, Harris, Hoven, Howard, Ingraham, Kennedy, McGillvray, McNiven, Peterson, Read, Roberts, Skattum, C. Smith, Wagner.
Total 20

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

SJR 4 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

SB 312 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 76

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, Menahan, Phillips, Price, Reinhart, Sands, Schmidt, Squires, Swanson, Williams, Wilmer.

Total 23

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 277 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Furey, MacDonald, Reinhart.

Total 3

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gibson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 87 - Representative K. Williams moved **SB 87** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 82

Nays: Burnett, Edmunds, Evans, Howard, Kary, Kennedy, Kerns, Knox, McGillvray, More, O'Neil, Randall, Regier, Skattum, Skees, Stahl, Wagner, Yates.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 99 - Representative K. Peterson moved **SB 99** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance,
Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: Wagner.
Total 1

Excused: None.
Total 0

Absent or not voting: Gibson.
Total 1

SB 110 - Representative Knudsen moved **SB 110** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,
Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll,
Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen,
Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham,
Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek,
McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller,
More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall,
Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,
Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner,
Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 166 - Representative Lavin moved **SB 166** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,
Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll,
Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen,
Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham,
Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek,
McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller,
More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall,

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 195 - Representative Clark moved **SB 195** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Burnett, Edmunds, Kennedy, Kerns, Knox, Miller, O'Neil, Skattum.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 385 - Representative Clark moved **SB 385** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Furey, Gibson, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Lavin, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price,

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 70

Nays: G. Bennett, Brodehl, Burnett, Cuffe, Edmunds, Fitzpatrick, Flynn, Greef, Hale, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Loney, MacLaren, Miller, More, O'Neil, Peterson, Randall, Read, Rosendale, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 11 - Representative Milburn moved consideration of **SJR 11** be passed for the day.
Motion carried.

HB 166 - Senate Amendments - Representative Esp moved Senate amendments to **HB 166** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 277 - Senate Amendments - Representative Washburn moved Senate amendments to **HB 277** be concurred in. Motion carried as follows:

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 87

Nays: Flynn, Kennedy, Kerns, Knox, McNiven, Miller, O'Neil, Randall, Roberts, Skattum.

Total 10

Excused: Evans.

Total 1

Absent or not voting: Reichner, Mr. Speaker.

Total 2

HB 291 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 291** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 78

Nays: G. Bennett, Brodehl, Evans, Fitzpatrick, Hansen, Hendrick, Howard, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, Miller, O'Neil, Read, Salomon, Skattum, Skees, C. Smith, Stahl, Vance.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

HB 538 - Senate Amendments - Representative K. Peterson moved Senate amendments to **HB 538** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 93

Nays: Burnett, Hendrick, Kennedy, Kerns, Phillips, Skattum, Skees.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 548 - Senate Amendments - Representative Bangerter moved Senate amendments to **HB 548** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: Fitzpatrick, Hale, Hendrick, Kerns.
Total 4

Excused: None.
Total 0

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gibson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Court, Driscoll, Edmunds, Esp, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Cook, Fitzpatrick, McNiven.

Total 3

Excused: Evans.

Total 1

Absent or not voting: Cuffe, Ehli, Reichner, C. Smith.

Total 4

REPORTS OF STANDING COMMITTEES

TAXATION (Blasdel, Chairman):

4/5/2011

SB 295, be amended as follows:

1. Page 3, line 11.

Strike: "INFORMATION"

Insert: "aggregate model output"

And, as amended, be concurred in. Report adopted.

SB 371, be amended as follows:

1. Title, page 1, line 9.

Following: "~~CHEMICALS~~;"

Insert: "PROVIDING EXEMPTIONS FROM PROPERTY TAXES, INDIVIDUAL INCOME TAXES, CORPORATION LICENSE TAXES, AND OTHER BUSINESS-RELATED TAXES; APPLYING THE FIREARMS LIABILITY LAW TO AMMUNITION;"

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

2. Title, page 1, line 11.

Following: "~~21-1-720~~;"

Insert: "15-6-219, 15-30-2110, 15-31-113, 27-1-720,"

Following: "90-1-118;"

Insert: ","

3. Title, page 1, line 12.

Following: "~~DATES~~"

Insert: "AND APPLICABILITY DATES"

4. Page 1.

Following: line 15

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Short title. [Sections 1 through 6] may be cited as the "Montana Ammunition Availability Act"."

Insert: "NEW SECTION. Section 2. Legislative findings. (1) In recognition that the people of Montana have reserved to themselves the individual right to bear arms in Article II, section 12, of the Montana constitution, the legislature finds that both this right and the firearms that the people possess are at serious risk if the people cannot obtain ammunition for firearms. An adequate source of ammunition is an indivisible and essential part of the right to bear arms. The people of Montana are totally dependent upon a very few manufacturers of smokeless propellant, small arms primers, and cartridge cases located in other states for small arms ammunition used in Montana.

(2) The legislature intends to encourage the manufacture of smokeless propellant, small arms primers, and cartridge cases within the borders of Montana to ensure availability of small arms ammunition for the people of Montana and to fully implement the right to bear arms that the people have reserved to themselves. "

Insert: "NEW SECTION. Section 3. Definitions. As used in [sections 1 through 6], the following definitions apply:

(1) "Ammunition components" means smokeless propellants, small arms primers, and cartridge cases.

(2) "Black powder" means a propellant made from potassium or sodium nitrate, charcoal, and sulfur or a substitute for black powder made differently that is used for conventional small arms or antique or replica arms.

(3) "Cartridge cases" means the casings that contain and hold together the propellant, primer, and bullet and that may be formed from brass, aluminum, steel, plastic, or some combination of those or other materials.

(4) "Primary business" means a manufacturer in which more than one-half of its product produced is and more than one-half of its gross income comes from sales of smokeless propellant, small arms primers, cartridge cases, or any combination of those items.

(5) "Propellant" includes smokeless propellant and black powder or black powder substitutes.

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

(6) "Small arms" means pistols, revolvers, rifles, shotguns, and other similar devices that are portable by one person, the possession and use of which are protected by Article II, section 12, of the Montana constitution.

(7) "Small arms primers" means the priming component for a round of ammunition intended for use in small arms that is usually made of a cup, an anvil, and a shock-sensitive chemical compound and is designed to ignite the propellant in an ammunition cartridge for conventional small arms.

(8) "Smokeless propellant" means a chemical substance designed to expel a projectile from small arms through burning and expansion at a quick but controlled burning rate."

Insert: "NEW SECTION. Section 4. Tax exemptions -- period -- conditions. (1) Subject to subsection (3), a person or entity in this state engaged in the primary business of the manufacture of ammunition components that meets the conditions in subsection (2) is exempt from:

(a) property taxes levied for state educational purposes under 15-10-108, 20-9-331, 20-9-333, 20-9-360, and 20-25-439;

(b) business equipment tax levied pursuant to 15-6-138;

(c) individual income taxes as provided in Title 15, chapter 30;

(d) corporate license or income tax as provided in Title 15, chapter 31; and

(e) any other tax on business activity levied by the state, except:

(i) the local portion of property tax not exempt under subsection (1)(a); or

(ii) an employer's share of employee payroll taxes that are used to finance state-mandated programs, including unemployment insurance and workers' compensation.

(2) A person or entity in this state engaged in the primary business of the manufacture of ammunition components is exempt from taxation as provided under subsection (1) until December 31, 2030, if the person's or entity's business meets the following conditions:

(a) the products of the business are and remain available to commercial and individual consumers in the state;

(b) in-state commercial and individual consumers have priority over out-of-state consumers for access to the products of the business;

(c) the business sells its products to in-state commercial and individual consumers for a price no greater than that for out-of-state purchasers, including any products that leave the state regardless of destination or purchaser; and

(d) the business does not enter into any agreement or contract that could actually or potentially command or commit all of its production to out-of-state consumers or interfere with or prohibit sales and provision of products to in-state consumers.

(3) The exemptions allowed under subsection (1) apply only to the property, income, and business activity attributable to the manufacture of ammunition components."

Insert: "NEW SECTION. Section 5. Tort liability. The provisions of 27-1-720 apply to ammunition components and propellants manufactured in Montana. "

Insert: "NEW SECTION. Section 6. Economic development. The manufacture of ammunition components is a qualified economic development purpose pursuant to 90-1-116 through 90-1-119 and Title 90, chapter 1, part 2. "

Insert: "Section 7. Section 15-6-219, MCA, is amended to read:

"15-6-219. Personal and other property exemptions. The following categories of property are exempt from taxation:

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

- (1) harness, saddlery, and other tack equipment;
- (2) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:
 - (a) construct, repair, and maintain improvements to real property; or
 - (b) repair and maintain machinery, equipment, appliances, or other personal property;
- (3) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;
- (4) a bicycle, as defined in 61-8-102, used by the owner for personal transportation purposes;
- (5) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:
 - (a) the acquired cost of the personal property is less than \$15,000;
 - (b) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and
 - (c) the lease of the personal property is generally on an hourly, daily, weekly, semimonthly, or monthly basis;
- (6) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance; ~~and~~
- (7) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105; and
- (8) property used in the manufacture of ammunition components as provided in [section 4].""

Insert: "NEW SECTION. Section 8. Manufacture of ammunition components -- exemption from statewide property taxes. As provided in [section 4], property used in the manufacture of ammunition components is exempt from the property taxes levied for state educational purposes under 15-10-108, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. The exemption must be administered and applied for as provided in [sections 1 through 6]."

Insert: "Section 9. Section 15-30-2110, MCA, is amended to read:

"15-30-2110. Adjusted gross income. (1) Subject to subsection (13), adjusted gross income is the taxpayer's federal adjusted gross income as defined in section 62 of the Internal Revenue Code, 26 U.S.C. 62, and in addition includes the following:

(a) (i) interest received on obligations of another state or territory or county, municipality, district, or other political subdivision of another state, except to the extent that the interest is exempt from taxation by Montana under federal law;

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, 26 U.S.C. 852(b)(5), that are attributable to the interest referred to in subsection (1)(a)(i);

(b) refunds received of federal income tax, to the extent that the deduction of the tax resulted in a reduction of Montana income tax liability;

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

(c) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code that has been reduced by any federal taxes paid by the subchapter S. corporation on the income;

(d) depreciation or amortization taken on a title plant as defined in 33-25-105;

(e) the recovery during the tax year of an amount deducted in any prior tax year to the extent that the amount recovered reduced the taxpayer's Montana income tax in the year deducted;

(f) if the state taxable distribution of an estate or trust is greater than the federal taxable distribution of the same estate or trust, the difference between the state taxable distribution and the federal taxable distribution of the same estate or trust for the same tax period; and

(g) except for exempt-interest dividends described in subsection (2)(a)(ii), for tax years commencing after December 31, 2002, the amount of any dividend to the extent that the dividend is not included in federal adjusted gross income.

(2) Notwithstanding the provisions of the Internal Revenue Code, adjusted gross income does not include the following, which are exempt from taxation under this chapter:

(a) (i) all interest income from obligations of the United States government, the state of Montana, or a county, municipality, district, or other political subdivision of the state and any other interest income that is exempt from taxation by Montana under federal law;

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, 26 U.S.C. 852(b)(5), that are attributable to the interest referred to in subsection (2)(a)(i);

(b) interest income earned by a taxpayer who is 65 years of age or older in a tax year up to and including \$800 for a taxpayer filing a separate return and \$1,600 for each joint return;

(c) (i) except as provided in subsection (2)(c)(ii), the first \$3,600 of all pension and annuity income received as defined in 15-30-2101;

(ii) for pension and annuity income described under subsection (2)(c)(i), as follows:

(A) each taxpayer filing singly, head of household, or married filing separately shall reduce the total amount of the exclusion provided in subsection (2)(c)(i) by \$2 for every \$1 of federal adjusted gross income in excess of \$30,000 as shown on the taxpayer's return;

(B) in the case of married taxpayers filing jointly, if both taxpayers are receiving pension or annuity income or if only one taxpayer is receiving pension or annuity income, the exclusion claimed as provided in subsection (2)(c)(i) must be reduced by \$2 for every \$1 of federal adjusted gross income in excess of \$30,000 as shown on their joint return;

(d) all Montana income tax refunds or tax refund credits;

(e) gain required to be recognized by a liquidating corporation under 15-31-113(1)(a)(ii);

(f) all tips or gratuities that are covered by section 3402(k) or service charges that are covered by section 3401 of the Internal Revenue Code of 1954, 26 U.S.C. 3402(k) or 3401, as amended and applicable on January 1, 1983, received by a person for services rendered to patrons of premises licensed to provide food, beverage, or lodging;

(g) all benefits received under the workers' compensation laws;

(h) all health insurance premiums paid by an employer for an employee if attributed as income to the employee under federal law;

(i) all money received because of a settlement agreement or judgment in a lawsuit brought against a manufacturer or distributor of "agent orange" for damages resulting from exposure to "agent orange";

(j) principal and income in a medical care savings account established in accordance with 15-61-201 or withdrawn from an account for eligible medical expenses, as defined in

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

15-61-102, of the taxpayer or a dependent of the taxpayer or for the long-term care of the taxpayer or a dependent of the taxpayer;

(k) principal and income in a first-time home buyer savings account established in accordance with 15-63-201 or withdrawn from an account for eligible costs, as provided in 15-63-202(7), for the first-time purchase of a single-family residence;

(l) contributions withdrawn from a family education savings account or earnings withdrawn from a family education savings account for qualified higher education expenses, as defined in 15-62-103, of a designated beneficiary;

(m) the recovery during the tax year of any amount deducted in any prior tax year to the extent that the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

(n) if the federal taxable distribution of an estate or trust is greater than the state taxable distribution of the same estate or trust, the difference between the federal taxable distribution and the state taxable distribution of the same estate or trust for the same tax period;

(o) deposits, not exceeding the amount set forth in 15-30-3003, deposited in a Montana farm and ranch risk management account, as provided in 15-30-3001 through 15-30-3005, in any tax year for which a deduction is not provided for federal income tax purposes;

(p) income of a dependent child that is included in the taxpayer's federal adjusted gross income pursuant to the Internal Revenue Code. The child is required to file a Montana personal income tax return if the child and taxpayer meet the filing requirements in 15-30-2602.

(q) principal and income deposited in a health care expense trust account, as defined in 2-18-1303, or withdrawn from the account for payment of qualified health care expenses as defined in 2-18-1303;

(r) that part of the refundable credit provided in 33-22-2006 that reduces Montana tax below zero; ~~and~~

(s) the amount of the gain recognized from the sale or exchange of a mobile home park as provided in 15-31-163; and

(t) income received from the manufacture of ammunition components by an owner, partner, or manager engaged in the primary business of the manufacture of ammunition as provided in [section 4].

(3) A shareholder of a DISC that is exempt from the corporation license tax under 15-31-102(1)(l) shall include in the shareholder's adjusted gross income the earnings and profits of the DISC in the same manner as provided by section 995 of the Internal Revenue Code, 26 U.S.C. 995, for all periods for which the DISC election is effective.

(4) A taxpayer who, in determining federal adjusted gross income, has reduced the taxpayer's business deductions by an amount for wages and salaries for which a federal tax credit was elected under sections 38 and 51(a) of the Internal Revenue Code, 26 U.S.C. 38 and 51(a), is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken. The deduction must be made in the year that the wages and salaries were used to compute the credit. In the case of a partnership or small business corporation, the deduction must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) Married taxpayers filing a joint federal return who are required to include part of their social security benefits or part of their tier 1 railroad retirement benefits in federal adjusted gross income may split the federal base used in calculation of federal taxable social security

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

benefits or federal taxable tier 1 railroad retirement benefits when they file separate Montana income tax returns. The federal base must be split equally on the Montana return.

(6) Married taxpayers filing a joint federal return who are allowed a capital loss deduction under section 1211 of the Internal Revenue Code, 26 U.S.C. 1211, and who file separate Montana income tax returns may claim the same amount of the capital loss deduction that is allowed on the federal return. If the allowable capital loss is clearly attributable to one spouse, the loss must be shown on that spouse's return; otherwise, the loss must be split equally on each return.

(7) In the case of passive and rental income losses, married taxpayers filing a joint federal return and who file separate Montana income tax returns are not required to recompute allowable passive losses according to the federal passive activity rules for married taxpayers filing separately under section 469 of the Internal Revenue Code, 26 U.S.C. 469. If the allowable passive loss is clearly attributable to one spouse, the loss must be shown on that spouse's return; otherwise, the loss must be split equally on each return.

(8) Married taxpayers filing a joint federal return in which one or both of the taxpayers are allowed a deduction for an individual retirement contribution under section 219 of the Internal Revenue Code, 26 U.S.C. 219, and who file separate Montana income tax returns may claim the same amount of the deduction that is allowed on the federal return. The deduction must be attributed to the spouse who made the contribution.

(9) (a) Married taxpayers filing a joint federal return who are allowed a deduction for interest paid for a qualified education loan under section 221 of the Internal Revenue Code, 26 U.S.C. 221, and who file separate Montana income tax returns may claim the same amount of the deduction that is allowed on the federal return. The deduction may be split equally on each return or in proportion to each taxpayer's share of federal adjusted gross income.

(b) Married taxpayers filing a joint federal return who are allowed a deduction for qualified tuition and related expenses under section 222 of the Internal Revenue Code, 26 U.S.C. 222, and who file separate Montana income tax returns may claim the same amount of the deduction that is allowed on the federal return. The deduction may be split equally on each return or in proportion to each taxpayer's share of federal adjusted gross income.

(10) A taxpayer receiving retirement disability benefits who has not attained 65 years of age by the end of the tax year and who has retired as permanently and totally disabled may exclude from adjusted gross income up to \$100 a week received as wages or payments in lieu of wages for a period during which the employee is absent from work due to the disability. If the adjusted gross income before this exclusion exceeds \$15,000, the excess reduces the exclusion by an equal amount. This limitation affects the amount of exclusion, but not the taxpayer's eligibility for the exclusion. If eligible, married individuals shall apply the exclusion separately, but the limitation for income exceeding \$15,000 is determined with respect to the spouses on their combined adjusted gross income. For the purpose of this subsection, "permanently and totally disabled" means unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment lasting or expected to last at least 12 months.

(11) An individual who contributes to one or more accounts established under the Montana family education savings program may reduce adjusted gross income by the lesser of \$3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not in excess of \$3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat half of the total contributions made by the spouses as being

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

made by each spouse. The reduction in adjusted gross income under this subsection applies only with respect to contributions to an account of which the account owner, as defined in 15-62-103, is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (1)(e) do not apply with respect to withdrawals of contributions that reduced adjusted gross income.

(12) (a) A taxpayer may exclude the amount of the loan payment received pursuant to subsection (12)(a)(iv), not to exceed \$5,000, from the taxpayer's adjusted gross income if the taxpayer:

- (i) is a health care professional licensed in Montana as provided in Title 37;
- (ii) is serving a significant portion of a designated geographic area, special population, or facility population in a federally designated health professional shortage area, a medically underserved area or population, or a federal nursing shortage county as determined by the secretary of health and human services or by the governor;
- (iii) has had a student loan incurred as a result of health-related education; and
- (iv) has received a loan payment during the tax year made on the taxpayer's behalf by a loan repayment program described in subsection (12)(b) as an incentive to practice in Montana.

(b) For the purposes of subsection (12)(a), a loan repayment program includes a federal, state, or qualified private program. A qualified private loan repayment program includes a licensed health care facility, as defined in 50-5-101, that makes student loan payments on behalf of the person who is employed by the facility as a licensed health care professional.

(13) Notwithstanding the provisions of subsection (1), adjusted gross income does not include 40% of capital gains on the sale or exchange of capital assets before December 31, 1986, as capital gains are determined under subchapter P. of Chapter 1 of the Internal Revenue Code as it read on December 31, 1986.

(14) By November 1 of each year, the department shall multiply the amount of pension and annuity income contained in subsection (2)(c)(i) and the federal adjusted gross income amounts in subsection (2)(c)(ii) by the inflation factor for that tax year, but using the year 2009 consumer price index, and rounding the results to the nearest \$10. The resulting amounts are effective for that tax year and must be used as the basis for the exemption determined under subsection (2)(c). (Subsection (2)(f) terminates on occurrence of contingency--sec. 3, Ch. 634, L. 1983; subsection (2)(o) terminates on occurrence of contingency--sec. 9, Ch. 262, L. 2001.)"

Insert: "Section 10. Section 15-31-113, MCA, is amended to read:

"15-31-113. Gross income and net income. (1) The term "gross income" means all income recognized in determining the corporation's gross income for federal income tax purposes and:

- (a) including:
 - (i) interest exempt from federal income tax and exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code of 1986, as that section may be amended or renumbered;
 - (ii) the portion of gain from a liquidation of the reporting corporation not recognized for federal corporate income tax purposes pursuant to sections 331 through 337 of the Internal Revenue Code, as those sections may be amended or renumbered, attributable to stockholders, either individual or corporate, not subject to Montana income or license tax under Title 15, chapter 30 or chapter 31, as appropriate, on the gain passing through to the stockholders pursuant to federal law; and

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

(b) excluding:

(i) gain recognized for federal tax purposes as a shareholder of a liquidating corporation pursuant to sections 331 through 337 of the Internal Revenue Code, as those sections may be amended or renumbered, when the gain is required to be recognized by the liquidating corporation pursuant to subsection (1)(a)(ii) of this section; and

(ii) income received by a corporation from the manufacture of ammunition components if it is engaged in the primary business of the manufacture of ammunition as provided in [section 4].

(2) The term "net income" means the gross income of the corporation less the deductions set forth in 15-31-114.

(3) A corporation is not exempt from the corporation license tax unless specifically provided for under 15-31-101(3) or 15-31-102. Any corporation not subject to or liable for federal income tax but not exempt from the corporation license tax under 15-31-101(3) or 15-31-102 shall compute gross income for corporation license tax purposes in the same manner as a corporation that is subject to or liable for federal income tax according to the provisions for determining gross income in the federal Internal Revenue Code in effect for the taxable year.""

"Section 11. Section 27-1-720, MCA, is amended to read:

"27-1-720. Liability -- defect in design of firearms or ammunition. (1) In a products liability action, no firearm, ammunition component that was manufactured in Montana as provided in [section 5], or ammunition may be considered defective in design on the basis that the benefits of the product do not outweigh the risk of injury posed by its potential to cause serious injury, damage, or death when discharged.

(2) For purposes of this section:

(a) the potential of a firearm or ammunition to cause serious injury, damage, or death when discharged does not make the product defective in design; and

(b) injuries or damages resulting from the discharge of a firearm or ammunition are not proximately caused by its potential to cause serious injury, damage, or death but are proximately caused by the actual discharge of the product.

(3) The provisions of this section do not affect a products liability cause of action based upon the improper selection of design alternatives.""

Insert: "Section 12. Section 90-1-118, MCA, is amended to read:

"90-1-118. Small business eligibility criteria. (1) To be eligible for a state matching grant under 90-1-117 through 90-1-119, a business shall provide evidence to the department of commerce that the business meets all of the following criteria:

~~(1)~~(a) the business is a for-profit sole proprietorship, partnership, limited liability company, limited liability partnership, or corporation registered with the secretary of state under Title 35 and has its principal place of business in this state;

~~(2)~~(b) the business has received a phase I award under a small business innovative research grant or small business technology transfer grant from a participating federal agency in response to a specific federal solicitation;

~~(3)~~(c) the business meets all federal eligibility requirements for a small business innovative research grant or a small business technology transfer grant;

~~(4)~~(d) the business is not concurrently receiving funding from other state funding programs that duplicate the purpose stated in 90-1-117;

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

~~(5)~~(e) the business certifies that at least 51% of the research described in the business's proposal for phase II funding under a small business innovative research grant or small business technology transfer grant is to be conducted in this state and that the business will remain a Montana-based business for the duration of a phase II project under a small business innovative research grant or small business technology transfer grant; and

~~(6)~~(f) the business demonstrates an ability to conduct research for the business's phase II proposal under the small business innovative research grant or small business technology transfer grant.

(2) As provided in [section 6], the manufacture of ammunition components is a qualified economic development purpose."

Insert: "Section 13. Section 90-1-202, MCA, is amended to read:

"90-1-202. Purpose. (1) The legislature finds and declares that economic development is a public purpose. The purpose of the big sky economic development program is to assist in economic development for Montana that will:

- ~~(1)~~(a) create good-paying jobs for Montana residents;
- ~~(2)~~(b) promote long-term, stable economic growth in Montana;
- ~~(3)~~(c) encourage local economic development organizations;
- ~~(4)~~(d) create partnerships between the state, local governments, tribal governments, and local economic development organizations that are interested in pursuing these same economic development goals;
- ~~(5)~~(e) retain or expand existing businesses;
- ~~(6)~~(f) provide a better life for future generations through greater economic growth and prosperity in Montana; and
- ~~(7)~~(g) encourage workforce development, including workforce training and job creation, in high-poverty counties by providing targeted assistance.

(2) As provided in [section 6], the manufacture of ammunition components is a qualified economic development purpose."

Insert: "NEW SECTION. Section 14. Codification instruction. (1) [Sections 1 through 6] are intended to be codified as an integral part of Title 30, chapter 20, and the provisions of Title 30, chapter 20, apply to [sections 1 through 6].

(2) [Section 8] is intended to be codified as an integral part of Title 15, chapter 24, and the provisions of Title 15, chapter 24, apply to [section 8]."

Insert: "NEW SECTION. Section 15. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Insert: "NEW SECTION. Section 16. Effective date. [This act] is effective on passage and approval."

Insert: "NEW SECTION. Section 17. Retroactive applicability -- applicability. (1) For the purposes of exemption from individual income taxes and corporation taxes pursuant to [section 4], [this act] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2010.

(2) For the purposes of exemption from all other taxes, [this act] applies to tax years beginning after December 31, 2012."

And, as amended, be concurred in. Report adopted.

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

SB 372, be amended as follows:

1. Title, page 1, line 8.

Strike: "PARTIAL"

2. Title, page 1, line 12.

Following: "REVENUE;"

Insert: "PROVIDING STATUTORY APPROPRIATIONS;"

3. Title, page 1, line 13.

Following: "SECTIONS"

Insert: "15-1-121,"

Following: "15-6-141,"

Insert: "15-10-420,"

Strike: the first "AND"

Following: "15-23-101,"

Insert: "17-7-502, AND 20-9-630,"

Strike: "AN IMMEDIATE"

4. Title, page 1, line 14.

Strike: the first "DATE"

Insert: "DATES"

5. Page 1.

Following: line 17

Insert: "**Section 1.** Section 15-1-121, MCA, is amended to read:

"15-1-121. Entitlement share payment -- purpose -- appropriation. (1) As described in 15-1-120(3), each local government is entitled to an annual amount that is the replacement for revenue received by local governments for diminishment of property tax base and various earmarked fees and other revenue that, pursuant to Chapter 574, Laws of 2001, amended by section 4, Chapter 13, Special Laws of August 2002, and later enactments, were consolidated to provide aggregation of certain reimbursements, fees, tax collections, and other revenue in the state treasury with each local government's share. The reimbursement under this section is provided by direct payment from the state treasury rather than the ad hoc system that offset certain state payments with local government collections due the state and reimbursements made by percentage splits, with a local government remitting a portion of collections to the state, retaining a portion, and in some cases sending a portion to other local governments. The amount calculated pursuant to this subsection, as adjusted pursuant to subsection (3)(a)(i), is each local government's base entitlement share. The department shall estimate the total amount of revenue that each local government received from the following sources for the fiscal year ending June 30, 2001:

(2) The sources of dedicated revenue that were relinquished by local governments in exchange for an entitlement share of the state general fund were:

(a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

- (b) vehicle, boat, and aircraft taxes and fees pursuant to:
 - (i) Title 23, chapter 2, part 5;
 - (ii) Title 23, chapter 2, part 6;
 - (iii) Title 23, chapter 2, part 8;
 - (iv) 61-3-317;
 - (v) 61-3-321;
 - (vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001;
 - (vii) Title 61, chapter 3, part 7;
 - (viii) 5% of the fees collected under 61-10-122;
 - (ix) 61-10-130;
 - (x) 61-10-148; and
 - (xi) 67-3-205;
- (c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);
- (d) district court fees pursuant to:
 - (i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);
 - (ii) 25-1-202;
 - (iii) 25-9-506; and
 - (iv) 27-9-103;
- (e) certificate of title fees for manufactured homes pursuant to 15-1-116;
- (f) financial institution taxes collected pursuant to the former provisions of Title 15, chapter 31, part 7;
- (g) all beer, liquor, and wine taxes pursuant to:
 - (i) 16-1-404;
 - (ii) 16-1-406; and
 - (iii) 16-1-411;
- (h) late filing fees pursuant to 61-3-220;
- (i) title and registration fees pursuant to 61-3-203;
- (j) veterans' cemetery license plate fees pursuant to 61-3-459;
- (k) county personalized license plate fees pursuant to 61-3-406;
- (l) special mobile equipment fees pursuant to 61-3-431;
- (m) single movement permit fees pursuant to 61-4-310;
- (n) state aeronautics fees pursuant to 67-3-101; and
- (o) department of natural resources and conservation payments in lieu of taxes pursuant to Title 77, chapter 1, part 5.

~~(2) (a) From the amounts estimated in subsection (1) for each county government, the department shall deduct fiscal year 2001 county government expenditures for district courts, less reimbursements for district court expenses, and fiscal year 2001 county government expenditures for public welfare programs to be assumed by the state in fiscal year 2002.~~

~~(b)(3) The total amount estimated pursuant to subsections (1) and (2)(a) received by each local government in fiscal year 2010 as an entitlement share payment under this section is the base component for the fiscal year 2011 distribution, and in each subsequent year the prior year entitlement share payment, including any reimbursement payments received pursuant to subsection (7), is each local government's base year component. The sum of all local governments' base year components is the base fiscal year entitlement share pool. For the~~

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

purpose of calculating the sum of all local governments' base year components, the base year component for a local government may not be less than zero.

(3)(4) (a) The base year entitlement share pool must be increased annually by a growth rate as provided for in this subsection (3) (4). The amount determined through the application of annual growth rates is the entitlement share pool for each fiscal year. By October 1 of each even-numbered year, the department shall calculate the growth rate of the entitlement share pool for each year of the next biennium in the following manner:

(i) ~~Before applying the growth rate for fiscal year 2007 to determine the fiscal year 2007 entitlement share payments, the department shall subtract from the fiscal year 2006 entitlement share payments the following amounts:~~

Beaverhead	\$6,972
Big Horn	\$52,551
Blaine	\$13,625
Broadwater	\$2,564
Carbon	\$11,537
Carter	\$407
Cascade	\$100,000
Chouteau	\$3,536
Custer	\$7,011
Daniels	\$143
Dawson	\$3,893
Fallon	\$1,803
Fergus	\$9,324
Flathead	\$100,000
Gallatin	\$160,000
Garfield	\$91
Glacier	\$3,035
Golden Valley	\$2,282
Granite	\$4,554
Hill	\$31,740
Jefferson	\$5,700
Judith Basin	\$1,487
Lake	\$38,314
Lewis and Clark	\$160,000
Liberty	\$152
Lincoln	\$3,759
Madison	\$8,805
McCone	\$1,651
Meagher	\$2,722
Mineral	\$2,361
Missoula	\$200,000
Musselshell	\$23,275
Park	\$6,582
Petroleum	\$36
Phillips	\$653
Pondera	\$10,270

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Powder River ~~\$848~~
Powell \$5,146
Prairie ~~\$717~~
Ravalli ~~\$93,090~~
Richland ~~————~~ \$3,833
Roosevelt ~~————~~ \$9,526
Rosebud ~~————~~ \$19,971
Sanders ~~————~~ \$30,712
Sheridan ~~————~~ \$271
Stillwater ~~————~~ \$12,117
Sweet Grass ~~\$2,463~~
Teton ~~\$5,560~~
Toole ~~\$7,113~~
Treasure ~~————~~ \$54
Valley ~~\$6,899~~
Wheatland ~~————~~ \$918
Wibaux ~~————~~ \$72
Yellowstone ~~\$270,000~~
Anaconda-Deer Lodge ~~————~~ \$20,707
Butte-Silver Bow ~~————~~ \$53,057
Alberton ~~————~~ \$675
Bainville ~~————~~ \$258
Baker ~~\$2,828~~
Bearcreek ~~————~~ \$143
Belgrade ~~————~~ \$11,704
Belt ~~————~~ \$1,056
Big Sandy ~~————~~ \$1,130
Big Timber ~~————~~ \$2,910
Billings ~~————~~ \$163,499
Boulder ~~————~~ \$2,340
Bozeman ~~————~~ \$52,805
Bridger ~~————~~ \$1,303
Broadus ~~————~~ \$766
Broadview ~~————~~ \$258
Brockton ~~————~~ \$414
Browning ~~————~~ \$1,830
Cascade ~~————~~ \$1,374
Chester ~~————~~ \$1,430
Chinook ~~————~~ \$2,275
Choteau ~~————~~ \$3,050
Circle ~~\$1,018~~
Clyde Park ~~————~~ \$572
Colstrip ~~————~~ \$4,090
Columbia Falls ~~————~~ \$6,805
Columbus ~~————~~ \$3,245
Conrad ~~————~~ \$4,562

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Culbertson — \$1,216
Cut Bank — \$5,316
Darby — \$1,348
Deer Lodge — \$5,708
Denton — \$503
Dillon — \$6,928
Dodson — \$194
Drummond — \$561
Dutton — \$661
East Helena — \$2,888
Ekalaka — \$689
Ennis — \$1,518
Eureka — \$1,733
Fairfield — \$1,120
Fairview — \$1,152
Flaxville — \$143
Forsyth — \$3,286
Fort Benton — \$2,579
Fort Peck — \$393
Froid — \$328
Fromberg — \$855
Geraldine — \$457
Glasgow — \$5,361
Glendive — \$8,099
Grass Range — \$254
Great Falls — \$96,422
Hamilton — \$7,148
Hardin — \$5,920
Harlem — \$1,422
Harlowton — \$1,678
Havre — \$16,223
Helena — \$45,877
Hingham — \$263
Hobson — \$397
Hot Springs — \$912
Hysham — \$482
Ismay — \$43
Joliet — \$1,006
Jordan — \$606
Judith Gap — \$263
Kalispell — \$28,144
Kevin — \$304
Laurel — \$10,804
Lavina — \$361
Lewistown — \$10,170
Libby — \$4,475

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

Lima—\$397
Livingston—\$12,145
Lodge Grass—\$889
Malta—\$3,389
Manhattan—\$2,485
Medicine Lake—\$410
Melstone—\$234
Miles City—\$14,152
Missoula—\$104,264
Moore—\$319
Nashua—\$536
Neihart—\$149
Opheim—\$180
Outlook—\$125
Philipsburg—\$1,612
Pinesdale—\$1,413
Plains—\$2,007
Plentywood—\$3,185
Plevna—\$225
Polson—\$7,722
Poplar—\$1,544
Red Lodge—\$3,903
Rexford—\$263
Richey—\$309
Ronan—\$3,262
Roundup—\$3,280
Ryegate—\$465
Saco—\$354
Scobey—\$1,798
Shelby—\$5,677
Sheridan—\$1,150
Sidney—\$7,747
Stanford—\$737
Stevensville—\$3,063
St. Ignatius—\$1,367
Sunburst—\$709
Superior—\$1,521
Terry—\$1,011
Thompson Falls—\$2,272
Three Forks—\$3,130
Townsend—\$3,286
Troy—\$1,654
Twin Bridges—\$695
Valier—\$817
Virginia City—\$223
Walkerville—\$1,183

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

West Yellowstone — \$2,083
Westby — \$263
White Sulphur Springs — \$1,734
Whitefish — \$9,932
Whitehall — \$1,889
Wibaux — \$893
Winifred — \$259
Winnett — \$314
Wolf Point — \$4,497

(ii)(i) The department shall calculate the average annual growth rate of the Montana gross state product, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

—— (A) the last 4 calendar years for which the information has been published; and
—— (B) the 4 calendar years beginning with the year before the first year in the period referred to in subsection (3)(a)(ii)(A).

(iii)(ii) The department shall calculate the average annual growth rate of Montana personal income, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

—— (A) the last 4 calendar years for which the information has been published; and
—— (B) the 4 calendar years beginning with the year before the first year in the period referred to in subsection (3)(a)(iii)(A).

(b) (i) The entitlement share pool growth rate for the first each year of the biennium must be the following percentage of the average of the growth rates calculated in subsections (3)(a)(ii)(B) (4)(a)(i) and (3)(a)(iii)(B) (4)(a)(ii):

(A)(i) for counties, 54%;

(B)(ii) for consolidated local governments, 62%; and

(C)(iii) for incorporated cities and towns, 70%.

(ii) The entitlement share pool growth rate for the second year of the biennium must be the following percentage of the average of the growth rates calculated in subsections (3)(a)(ii)(A) and (3)(a)(iii)(A):

—— (A) for counties, 54%;

—— (B) for consolidated local governments, 62%; and

—— (C) for incorporated cities and towns, 70%.

(4)(5) As used in this section, "local government" means a county, a consolidated local government, an incorporated city, and an incorporated town. A local government does not include a tax increment financing district provided for in subsection (6) (8). For purposes of calculating the base year component for a county or consolidated local government, the department shall include the revenue listed in subsection (1) for all special districts within the county or consolidated local government. The county or consolidated local government is responsible for making an allocation from the county's or consolidated local government's share of the entitlement share pool to each special district within the county or consolidated local government in a manner that reasonably reflects each special district's loss of revenue sources listed in subsection (1) for which reimbursement is provided in this section.

(5)(6) (a) The entitlement share pools calculated in this section and the block grants funding provided for in subsection (6)(8) are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to local governments. Each local

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

~~government is entitled to a pro rata share of each year's entitlement share pool based on the local government's base component in relation to the base year entitlement share pool. The distributions must be made on a quarterly basis.~~

(b) (i) The growth amount is the difference between the entitlement share pool in the current fiscal year and the entitlement share pool in the previous fiscal year. ~~For the purposes of subsection (5)(b)(ii)(A), a county with a negative base year component has a base year component of zero.~~ The growth factor in the entitlement share must be calculated separately for:

- (A) counties;
- (B) consolidated local governments; and
- (C) incorporated cities and towns.

(ii) In each fiscal year, the growth amount for counties must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each county's percentage of the ~~base~~ prior fiscal year entitlement share pool for all counties; and

(B) 50% of the growth amount must be allocated based upon the percentage that each county's population bears to the state population not residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each consolidated local government's percentage of the ~~base~~ prior fiscal year entitlement share pool for all consolidated local governments; and

(B) 50% of the growth amount must be allocated based upon the percentage that each consolidated local government's population bears to the state's total population residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each incorporated city's or town's percentage of the ~~base~~ prior fiscal year entitlement share pool for all incorporated cities and towns; and

(B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's population bears to the state's total population residing within incorporated cities and towns as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(v) In each fiscal year, the amount of the entitlement share pool ~~not represented by~~ before the growth amount or adjustments made under subsection (7) are applied is to be distributed to each local government in the same manner as the entitlement share pool was distributed in the prior fiscal year.

(7) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section, the department shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to the entitlement share distribution under this section. The total entitlement share distributions in a fiscal year, including distributions made pursuant to this subsection, equal the local fiscal year entitlement share pool. The ratio of each

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

local government's distribution from the entitlement share pool must be recomputed to determine each local government's ratio to be used in the subsequent year's distribution determination under subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A).

~~(6)(8)~~ (a) If a tax increment financing district was not in existence during the fiscal year ending June 30, 2000, then the tax increment financing district is not entitled to any ~~block grant funding~~. If a tax increment financing district referred to in subsection ~~(6)(b)~~ (8)(b) terminates, then the ~~block grant funding~~ for the district provided for in subsection ~~(6)(b)~~ (8)(b) terminates.

(b) One-half of the payments provided for in this subsection ~~(6)(b)~~ (8)(b) must be made by November 30 and the other half by May 31 of each year. Subject to subsection ~~(6)(a)~~ (8)(a), the entitlement share for tax increment financing districts is as follows:

Cascade	Great Falls - downtown	\$468,966
Deer Lodge	TIF District 1	3,148 <u>\$3,148</u>
Deer Lodge	TIF District 2	3,126
Flathead	Kalispell - District 1	758,359
Flathead	Kalispell - District 2	5,153
Flathead	Kalispell - District 3	41,368
Flathead	Whitefish District	164,660
Gallatin	Bozeman - downtown	34,620
Lewis and Clark	Helena - #2	731,614
Missoula	Missoula - 1-1B & 1-1C	1,100,507 <u>250,279</u>
Missoula	Missoula - 4-1C	33,343
Silver Bow	Butte - uptown	283,801
Yellowstone	Billings	436,815

~~(7)(9)~~ The estimated ~~base~~ fiscal year entitlement share pool and any subsequent entitlement share pool for local governments do not include revenue received from tax increment financing districts, from countywide transportation block grants, or from countywide retirement block grants.

~~(8)~~ (a) If ~~revenue that is included in the sources listed in subsections (1)(b) through (1)(o) is significantly reduced, except through legislative action, the department shall deduct the amount of revenue loss from the entitlement share pool beginning in the succeeding fiscal year and the department shall work with local governments to propose legislation to adjust the entitlement share pool to reflect an allocation of the loss of revenue.~~

~~(b) For the purposes of subsection (8)(a), a significant reduction is a loss that causes the amount of revenue received in the current year to be less than 95% of the amount of revenue received in the base year.~~

~~(9)(10)~~ A three-fifths vote of each house of the legislature is required to reduce the amount of the entitlement share calculated pursuant to subsections (1) through ~~(3)~~ (4).

~~(10)(11)~~ When there has been an underpayment of a local government's share of the entitlement share pool, the department shall distribute the difference between the underpayment and the correct amount of the entitlement share. When there has been an overpayment of a local government's entitlement share, the local government shall remit the overpaid amount to the department.

~~(11)(12)~~ A local government may appeal the department's estimation of the ~~base year~~ component, the entitlement share pool growth rate, or a local government's allocation of the entitlement share pool, according to the uniform dispute review procedure in 15-1-211.

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

~~(12)~~(13) A payment required pursuant to this section may not be offset by a debt owed to a state agency by a local government in accordance with Title 17, chapter 4, part 1."

Renumber: subsequent sections

6. Page 3, line 7.

Strike: "2012"

Insert: "2013"

7. Page 4, line 1.

Strike: "Partial reimbursement"

Insert: "Reimbursement"

8. Page 4, line 2.

Following: "distribution"

Insert: "-- appropriations"

9. Page 4, line 3.

Strike: "1"

Insert: "2"

10. Page 4, line 5.

Strike: "[" through "]"

Insert: "15-1-121(5)"

11. Page 4, line 6 through line 7.

Strike: "90% of"

12. Page 4, line 7.

Strike: "1"

Insert: "2"

13. Page 4, line 9.

Strike: "1"

Insert: "2"

14. Page 4, line 13.

Following: "payments"

Insert: "under 15-1-121(7)"

15. Page 4, line 13 through page 14.

Strike: "under" on line 13 through "]" on line 14

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

16. Page 4, line 15.

Strike: "[" through "]"

Insert: "15-1-121(6)"

17. Page 4, line 18.

Strike: "June 15 of each of those"

Insert: "August 1 following each of those fiscal"

18. Page 4, line 20.

Strike: "[" through "]"

Insert: "15-1-121(6)(a)"

19. Page 4, line 26.

Strike: "June 15 of each of those"

Insert: "August 1 following each of those fiscal"

20. Page 4.

Following: line 28

Insert: "(c) The amounts determined under this subsection (3) are statutorily appropriated, as provided in 17-7-502, from the general fund to the office of public instruction for distribution to school districts."

21. Page 5, line 1 through line 2.

Strike: "[" on line 1 through "]" on line 2

Insert: "15-1-121(8)(b)"

22. Page 5, line 3 through line 4.

Strike: "[" on line 3 through "]" on line 4

Insert: "15-1-121(8)"

23. Page 5, line 8.

Strike: "June 15, 2012"

Insert: "August 1 following each of those fiscal years"

24. Page 5, line 10.

Strike: "[" through "]"

Insert: "15-1-121(8)"

25. Page 5, line 17.

Strike: "June 15, 2012"

Insert: "August 1 following each of those fiscal years"

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

26. Page 5.

Following: line 19

Insert: "(c) The amounts determined under this subsection (5) are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to the Montana board of regents for the support of the Montana university system as provided in 15-10-108."

27. Page 6.

Following: line 21

Insert: "**Section 5.** Section 15-10-420, MCA, is amended to read:

"15-10-420. Procedure for calculating levy. (1) (a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's value of newly taxable property, plus one-half of the average rate of inflation for the prior 3 years.

(b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.

(c) For the purposes of subsection (1)(a), the department shall calculate one-half of the average rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit, including newly taxable property.

(3) (a) For purposes of this section, newly taxable property includes:

- (i) annexation of real property and improvements into a taxing unit;
- (ii) construction, expansion, or remodeling of improvements;
- (iii) transfer of property into a taxing unit;
- (iv) subdivision of real property; and
- (v) transfer of property from tax-exempt to taxable status.

(b) Newly taxable property does not include an increase in value that arises because of an increase in the incremental value within a tax increment financing district.

(4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the release of taxable value from the incremental taxable value of a tax increment financing district because of:

- (i) a change in the boundary of a tax increment financing district;
- (ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or
- (iii) the termination of a tax increment financing district.

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

(b) If a tax increment financing district terminates prior to the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax increment financing district terminates. If a tax increment financing district terminates after the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the following tax year.

(c) For the purpose of subsection (3)(a)(ii), the value of newly taxable class four property that was constructed, expanded, or remodeled property since the completion of the last reappraisal cycle is the current year market value of that property less the previous year market value of that property.

(d) For the purpose of subsection (3)(a)(iv), the subdivision of real property includes the first sale of real property that results in the property being taxable as class four property under 15-6-134 or as nonqualified agricultural land as described in 15-6-133(1)(c).

(5) Subject to subsection (8), subsection (1)(a) does not apply to:

(a) school district levies established in Title 20; or

(b) a mill levy imposed for a newly created regional resource authority.

(6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.

(7) In determining the maximum number of mills in subsection (1)(a), the governmental entity:

(a) may increase the number of mills to account for a decrease in reimbursements; and

(b) may not increase the number of mills to account for a loss of tax base because of legislative action that is reimbursed under the provisions of 15-1-121(7).

(8) The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-108, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the calculation must be rounded up to the nearest tenth of a mill.

(9) (a) The provisions of subsection (1) do not prevent or restrict:

(i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;

(ii) a levy to repay taxes paid under protest as provided in 15-1-402;

(iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326;

(iv) a levy for the support of a study commission under 7-3-184;

(v) a levy for the support of a newly established regional resource authority; or

(vi) the portion that is the amount in excess of the base contribution of a governmental entity's property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703.

(b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes actually assessed in a subsequent year.

(10) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time.

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

(11) The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for purposes of determining the elimination of property, new improvements, or newly taxable property in a governmental unit.""

Renumber: subsequent sections

28. Page 7.

Following: line 15

Insert: "Section 7. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; [section 3]; 15-1-218; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-10-103; 82-11-161; 87-1-230; 87-1-603; 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30, 2015; pursuant to sec. 8, Ch. 427,

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

L. 2009, the inclusion of 87-1-230 terminates June 30, 2013; and pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019.)"

Insert: "Section 8. Section 20-9-630, MCA, is amended to read:

"20-9-630. School district block grants. (1) (a) The office of public instruction shall provide a block grant to each school district based on:

(i) the revenue received by each district in fiscal year 2001 from vehicle taxes and fees, corporate license taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999; and

(ii) any reimbursement to be made to a school district pursuant to subsection (2).

(b) Block grants must be calculated using the electronic reporting system that is used by the office of public instruction and school districts. The electronic reporting system must be used to allocate the block grant amount into each district's budget as an anticipated revenue source by fund.

~~(c) With the exception of vehicle taxes and fees, the office of public instruction shall use the amount actually received from the sources listed in subsection (1)(a) in fiscal year 2001 in its calculation of the block grant for fiscal year 2002 budgeting purposes. For vehicle taxes and fees, the office of public instruction shall use 93.4% of the amount actually received in fiscal year 2001 in calculating the block grant for fiscal year 2002.~~

~~(2) If the fiscal year 2003 appropriation provided in section 248(1), Chapter 574, Laws of 2001, is insufficient to fund the school district block grants in fiscal year 2003 at the fiscal year 2002 level, the office of public instruction shall prorate the block grants to meet the remaining appropriation. School districts shall anticipate the prorated block grant amounts provided by the office of public instruction in their budgets for fiscal year 2003.~~

(2) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section, the office of public instruction shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to block grant distributions under this section. The total of reimbursement distributions made pursuant to this subsection in a fiscal year must be added to all other distributions to the school district in the fiscal year to determine the distribution for the subsequent fiscal year. The block grant percentage increases in subsections (4)(a) through (4)(c) do not apply to reimbursements made under this subsection for the fiscal year of the first reimbursement but do apply to the block grant amounts in subsequent fiscal years that incorporate reimbursements added in previous fiscal years. For the purpose of this subsection, the fiscal year of the first reimbursement does not include the fiscal year in which the reimbursement under [section 3(3)(b)] is made.

(3) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

(4) (a) The block grant for the district general fund is equal to the ~~average~~ amount received in fiscal ~~years 2002 and 2003~~ year 2012, except for the amount received under [section 3(3)(b)], by the district general fund from the block grants provided for in ~~subsection~~ subsections (1) and (2). ~~The~~ Except as provided in subsection (2), the block grant must be increased by 0.76% in fiscal year ~~2004~~ 2013 and in each succeeding fiscal year.

(b) The block grant for the district transportation fund is ~~equal to one-half of the average~~ amount received in fiscal ~~years 2002 and 2003~~ year 2012, except for the amount received

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

under [section 3(3)(b)], by the district transportation fund from the block grants provided for in subsection subsections (1) and (2). ~~The~~ Except as provided in subsection (2), the block grant must be increased by 0.76% in fiscal year ~~2004~~ 2013 and in each succeeding fiscal year.

(c) (i) The combined fund block grant is equal to the ~~average~~ amount received in fiscal ~~years 2002 and 2003~~ year 2012, except for the amount received under [section 3(3)(b)], by the district tuition, bus depreciation reserve, building reserve, nonoperating, and adult education funds from the block grants provided for in subsection subsections (1) and (2). ~~The~~ Except as provided in subsection (2), the block grant must be increased by 0.76% in fiscal year ~~2004~~ 2013 and in each succeeding fiscal year.

(ii) The school district may deposit the combined fund block grant into any budgeted fund of the district.""

Renumber: subsequent sections

29. Page 7, line 21.

Strike: "2"

Insert: "3"

30. Page 7, line 22.

Strike: "2"

Insert: "3"

31. Page 7, line 24 through line 25.

Strike: "If" on line 24 through "void." on line 25

Insert: "If House Bill No. 495 is passed and approved and if it includes a section that amends 15-1-121, then [section 1 of this act], amending 15-1-121, is void."

32. Page 7.

Following: line 25

Insert: "NEW SECTION. Section 12. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Renumber: subsequent sections

33. Page 7, line 27.

Strike: "date"

Insert: "dates"

Following: "date."

Insert: "(1)"

Strike: "[This act]"

Insert: "Except as provided in subsection (2), [this act]"

Strike: "on passage and approval"

Insert: "July 1, 2011"

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 5, 2011

34. Page 7.

Following: line 27

Insert: "(2) [Sections 2 through 8] are effective October 1, 2011."

And, as amended, be concurred in. Report adopted.

MOTIONS

Representative B. Bennett moved to reconsider action taken previously on **SJ 8**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Cook, Court, Cuffe, Driscoll, Esp, Fitzpatrick, Flynn, Furey, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kary, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 54

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Edmunds, Ehli, Gibson, Greef, Hale, Hansen, Hendrick, Hoven, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, Taylor, Vance, Wagner, Warburton, Washburn.

Total 41

Excused: Evans.

Total 1

Absent or not voting: Berry, MacLaren, Sands, C. Smith.

Total 4

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Wednesday, April 6, 2011. Motion carried.

House adjourned at 2:07 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SEVENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
April 6, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Brodehl. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Evans, excused. Quorum present.

BILLS (O'Hara, Chairman):

4/6/2011

Correctly printed: **HJR 28, HJR 29, SB 81, SB 143, SB 303, SB 343, SB 358, SB 421, SJR 17.**

Correctly engrossed: **SB 166, SB 187, SB 195, SB 207, SB 267, SB 268, SB 283, SB 295, SB 348, SB 371, SB 372, SB 379.**

Correctly enrolled: **HB 12, HB 69, HB 107, HB 125, HB 216, HB 295, HB 310, HB 336, HB 469, HB 522, HB 541, HB 552, HB 584.**

Examined by the sponsor and found to be correct: **HB 59, HB 95, HB 178, HB 213, HB 541.**

Signed by the Speaker at 4:35 p.m., April 6, 2011: **HB 59, HB 61, HB 95, HB 103, HB 178, HB 191, HB 213, HB 251, HB 288, HB 300, HB 352, HB 380, HB 529, HB 535.**

Signed by the Chief Clerk of the House at 4:30 p.m., April 6, 2011: **HB 59, HB 61, HB 95, HB 103, HB 178, HB 191, HB 213, HB 251, HB 288, HB 300, HB 352, HB 380, HB 529, HB 535.**

Delivered to the Governor for approval at 9:05 a.m., April 6, 2011: **HB 180, HB 195, HB 272, HB 330, HB 339, HB 416, HB 464, HB 491, HB 542, HB 575.**

Delivered to the Governor for approval at 9:30 a.m., April 6, 2011: **HB 161.**

Representative Hollenbaugh introduced the Musikanten Montana, a choral group, from Helena, Montana who performed for the House of Representatives.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Kerns, Chairman):

4/5/2011

HJR 28, do pass. Report adopted.

HJR 29, do pass. Report adopted.

SB 143, be concurred in. Report adopted.

SB 207, be amended as follows:

1. Page 7, line 12.

Insert: "COORDINATION SECTION. Section 11. Name change -- directions to code commissioner. The code commissioner is directed to change the phrase "wild buffalo or bison" to "wild buffalo or wild bison" wherever the phrase appears in legislation enacted by the 2011 legislature if the legislation amends Title 81 or creates new sections that are codified in Title 81."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

SB 343, be concurred in. Report adopted.

JUDICIARY (Peterson, Chairman):

4/5/2011

SB 187, be amended as follows:

1. Title, line 8.

Strike: "46-18-251,"

Insert: "46-8-114,"

2. Page 1, line 17.

Strike: "seven"

Insert: "11"

3. Page 1, line 18.

Strike: "the chief justice of"

4. Page 1, line 21.

Following: "~~defender;~~"

Insert: "as follows:

(i) one attorney experienced in the defense of felonies who has served a minimum of 1 year as a full-time public defender;

(ii)"

5. Page 1, line 22.

Strike: "of whom must be"

Insert: "attorney"

6. Page 1.

Following: line 24

Insert: "(iii) one attorney who represents criminal defense lawyers;"

7. Page 1, line 27.

Strike: " "

Insert: ";

8. Page 2, line 7 through line 8.

Strike: subsection (3) in its entirety

Insert: "(d) one person who is a member of an organization that advocates on behalf of indigent persons;

(e) one person who is a member of an organization that advocates on behalf of a racial minority population in Montana;

(f) one person who is a member of an organization that advocates on behalf of people with mental illness and developmental disabilities; and

(g) one person who is employed by an organization that provides addictive behavior counseling.

(3) A person appointed to the commission must have significant experience in the defense of

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

criminal or other cases subject to the provisions of Title 47, chapter 1, or must have demonstrated a strong commitment to quality representation of indigent defendants."

9. Page 2, line 12.

Following: "(6)"

Insert: "(a)"

10. Page 2, line 14.

Strike: "(a)"

Insert: "(i)"

Following: "commission"

Insert: "subject to subsection (6)(b)"

11. Page 2, line 18.

Strike: "(b)"

Insert: "(ii)"

12. Page 2, line 20.

Strike: "(6)(b)"

Insert: "(6)(a)(ii)"

13. Page 2.

Following: line 22

Insert: "(b) New staff positions for the commission may be added only when the public defender account established pursuant to 47-1-110 has received sufficient revenue pursuant to 46-18-113(1)(a) and (1)(b) to maintain a balance in the account that would sustain any staff position approved by the commission for at least 1 year."

14. Page 3, line 19 through page 8, line 3.

Strike: sections 3 and 4 in their entirety

Insert: "**Section 3.** Section 46-8-113, MCA, is amended to read:

"46-8-113. Payment by defendant for assigned counsel -- costs to be filed with court.

(1) As part of or as a condition under a sentence imposed under the provisions of this title, the court shall, by including the costs of counsel in the court's judgment, require a convicted defendant to pay the costs of counsel assigned to represent the defendant as follows, except as provided in subsections (2) and (3):

(a) in every misdemeanor case, ~~\$150~~ \$250; and

(b) in every felony case, ~~\$500~~ \$800.

(2) Costs must be limited to costs incurred by the office of state public defender, provided for in 47-1-201, for providing the defendant with counsel in the criminal proceeding. If the criminal proceeding includes a jury trial or a justice's court trial, ~~counsel assigned by~~ the office of state public defender shall file with the court a statement of the hours spent on the case and the costs and expenses incurred ~~and, except as provided in subsection (3), the court shall require the defendant to pay the costs of counsel and other costs and expenses as reflected in the statement.~~ In any proceeding for the determination of whether a defendant is or will be able to pay the costs

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

of counsel, the court shall question the defendant as to the defendant's ability to pay those costs and shall inform the defendant that purposely false or misleading statements by the defendant may result in criminal charges against the defendant.

(3) The court may not sentence a defendant to pay the costs for assigned counsel unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take into account the hours spent on the case and the costs and expenses incurred, the financial resources of the defendant, and the nature of the burden that payment of costs will impose.

(4) A defendant who has been sentenced to pay costs may at any time petition the court that sentenced the defendant for remission of the payment of costs or of any unpaid portion of the costs. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs or modify the method of payment.""

Insert: "**Section 4.** Section 46-8-114, MCA, is amended to read:

"46-8-114. Time and method of payment. When a defendant is sentenced to pay the costs of assigned counsel pursuant to 46-8-113, the court may order payment to be made within a specified period of time or in specified installments. Payments must be made to the ~~office of state public defender, provided for in 47-1-201,~~ clerk of the sentencing court for allocation as provided in 46-18-201, 46-18-232, and 46-18-251 and deposited in the account established in 47-1-110.""

15. Page 10, line 6.

Strike: "offices"

Insert: "office"

Strike: "and deputy public defender"

16. Page 12, line 2.

Following: line 2

Insert: "(a) act as secretary to the commission and provide administrative staff support to the commission until the commission can hire its staff as provided in 2-15-1028(6)(b);"

Renumber: subsequent subsections

17. Page 13, line 13.

Strike: "(1)(e)"

Insert: "(1)(f)"

18. Page 14, line 7.

Strike: "(1)(e)"

Insert: "(1)(f)"

19. Page 14, line 14.

Strike: "and"

20. Page 14.

Following: line 15

Insert: "(h) maintain a minimum client caseload as determined by the chief public defender; and"

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

Renumber: subsequent subsection

21. Page 15, line 23.

Strike: "an annual"

Insert: "a biennial"

22. Page 16, line 4 through line 11.

Strike: section 13 in its entirety

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

SB 421, be concurred in. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman):

4/5/2011

SB 283, be amended as follows:

1. Title, line 16.

Following: "7-2-2412,"

Insert: "7-4-2631, 7-4-2632, 7-4-2637,"

2. Page 3, line 17.

Following: "petition --"

Insert: "public hearing --"

3. Page 3, line 19.

Following: "shall"

Insert: ", after providing public notice pursuant to 7-1-2121 in the county seat of each adjoining county, hold a public hearing in the area proposed to be moved from one county to another. After the public hearing, the boards of county commissioners shall"

4. Page 3, line 21 through line 25.

Strike: subsection (2) in its entirety

Insert: "(2) An interlocal agreement must be entered into by the adjoining counties and must state:

(a) the proposed boundary change as accepted or amended by the boards, including the legal description of the proposed boundary change;

(b) the procedure each board intends to follow in complying with [sections 1 through 9];

(c) subject to subsection (4), the costs to be incurred by each county in complying with [section 7]; and

(d) any other elements to which the boards agree regarding provision of services or county operations upon the relocation of the boundary."

5. Page 3.

Following: line 28

Insert: "(4) The adjoining counties shall negotiate the fees to be charged for compliance with

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

[section 7], and the provisions of 7-2-2412, 7-4-2631, 7-4-2632, and 7-4-2637 regarding fees charged by county clerks do not apply to the processes required in [section 7]."

6. Page 4, line 2.

Following: "shall"

Insert: ", after providing public notice pursuant to 7-1-2121 in the county seat of each adjoining county, hold a public hearing in the area proposed to be moved from one county to another in order to accept comment on the proposed cost of compliance with [section 7] as stated in the interlocal agreement pursuant to [section 3(2)]. After the public hearing, the boards of county commissioners shall"

7. Page 8, line 2.

Strike: "The"

Insert: "Except as provided in [section 3(4)], the"

8. Page 8.

Following: line 9

Insert: "**Section 15.** Section 7-4-2631, MCA, is amended to read:

"7-4-2631. Fees of county clerk. (1) Except as provided in [section 3(4)], 7-4-2632, and 7-4-2637, the county clerks shall charge, for the use of their respective counties:

(a) for recording and indexing each certificate of location of a quartz or placer mining claim or millsite claim, including a certificate that the instrument has been recorded with seal affixed, \$6;

(b) for recording and indexing each affidavit of annual labor on a mining claim, including certificate that the instrument has been recorded with seal affixed:

(i) for the first mining claim in the affidavit, \$3; and

(ii) for each additional mining claim included in it, 50 cents;

(c) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, \$5;

(d) for filing of subdivision and townsite plats, \$5 plus:

(i) for each lot up to and including 100, 50 cents;

(ii) for each additional lot in excess of 100, 25 cents;

(e) for filing certificates of surveys and amendments thereto, \$5 plus 50 cents per tract or lot;

(f) for a copy of a record or paper:

(i) for the first page of any document, 50 cents, and 25 cents for each subsequent page; and

(ii) for each certification with seal affixed, \$2;

(g) for searching an index record of files of the office for each year when required in abstracting or otherwise, 50 cents;

(h) for administering an oath with certificate and seal, no charge;

(i) for taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;

(j) for filing, indexing, or other services provided for by Title 30, chapter 9A, part 5, the fees prescribed under those sections;

(k) for recording each stock subscription and contract, stock certificate, and articles of

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

incorporation for water users' associations, \$3;

(l) for filing a copy of notarial commission and issuing a certificate of official character of such notary public, \$2;

(m) for each certified copy of a birth certificate, \$5, and for each certified copy of a death certificate, \$3;

(n) for filing, recording, or indexing any other instrument not expressly provided for in this section or 7-4-2632, the same fee provided in this section or 7-4-2632 for a similar service.

(2) State agencies submitting documents to be put of record shall pay the fees provided for in this section. If a state agency or political subdivision has requested an account with the county clerk, any applicable fees must be paid on a periodic basis.""

Insert: "Section 16. Section 7-4-2632, MCA, is amended to read:

"7-4-2632. Fee when recording done by mechanical means. ~~Whenever~~ Except as provided in [section 3(4)], whenever recording is done by a photographic or similar process, the county clerk and recorder shall charge \$7 for each page or fraction of a page of the instrument for recording.""

Insert: "Section 17. Section 7-4-2637, MCA, is amended to read:

"7-4-2637. Fees for recording standard documents. (1) Except as provided in [section 3(4)], 7-4-2631, and subsection (2) of this section, the fee for recording a standard document that meets the requirements of 7-4-2636 is \$7 for each page or fraction of a page.

(2) ~~The~~ Except as provided in [section 3(4)], the fee for recording a document that does not meet the requirements of 7-4-2636 is \$11 for each page or fraction of a page for the first five pages or fractions of the pages and \$7 for each subsequent page.

(3) (a) Of the fees collected under subsection (1):

(i) \$1 must be deposited in the records preservation fund, provided for in 7-4-2635;

(ii) 25 cents must be deposited in the county land information account provided for in 7-6-2230;

(iii) 75 cents must be transmitted each month to the department of revenue in the manner prescribed by the department of revenue for deposit in the Montana land information account created in 90-1-409; and

(iv) the remainder must be deposited as provided for in 7-4-2511.

(b) Of the fees collected under subsection (2) for nonstandard documents, each \$7 amount for a page or fraction of a page must be deposited as provided for in subsection (3)(a). The remaining \$4 of each \$11 charge for a page or fraction of a page must be deposited in the records preservation fund, provided for in 7-4-2635, and, notwithstanding 7-4-2635(3), each \$4 amount from an \$11 charge for a page or a fraction of a page may be used only for maintaining, upgrading, or installing systems to digitally record and retrieve documents.""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

SB 303, be concurred in. Report adopted.

SB 379, be amended as follows:

1. Title, line 11.

Following: "LAWS;"

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING A CONTINGENT EFFECTIVE DATE"

2. Page 1, line 21.

Following: "property"

Insert: "; and

WHEREAS, the government should establish through public record whether there may be a diminution in value of affected property from proposed zoning regulations, districts, and amendments and whether the expected benefits are proportional to the probable impacts; and

WHEREAS, the government should consider alternatives or modifications when alternatives or modifications would mitigate adverse economic impacts and unreasonable limitations on affected property; and

WHEREAS, the government should rely on credible evidence established through the public record to support the proposed zoning regulations, districts, and amendments as a means to protect the public health, safety, morals, and general welfare"

3. Page 1, line 25.

Following: "2,"

Insert: "and"

Following: "9"

Strike: ", 11, and 12"

4. Page 2, line 6.

Following: "2,"

Insert: "and"

Following: "9"

Strike: ", 11, and 12"

5. Page 2, line 8.

Following: "Affected"

Insert: "real"

6. Page 2, line 11.

Following: "Affected"

Insert: "real"

Following: "affected"

Insert: "real"

7. Page 2.

Following: line 13

Insert: "(3) (a) "Fair market value" means the price that would be agreed to by a willing and informed seller and buyer, taking into consideration the highest and best reasonably available use of the property, the value of that use, and any other relevant factors for which evidence is offered.

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

(b) Current use may not be presumed to be the highest and best use."

Renumber: subsequent subsections

8. Page 2, line 15.

Following: "affected"

Insert: "real"

9. Page 2, line 16.

Strike: "25%"

Insert: "40%"

Following: "affected"

Insert: "real"

10. Page 2, line 22.

Strike: "interest or convenience"

Insert: "health, safety, morals, or general welfare"

11. Page 3, line 20.

Strike: "once" through "county"

Insert: "in accordance with 7-1-2121"

12. Page 3, line 24.

Following: "proper"

Insert: "based upon the public comment and the record"

13. Page 3, line 27.

Strike: "once" through "county"

Insert: "in accordance with 7-1-2121"

14. Page 4, line 3.

Strike: "60"

Insert: "45"

15. Page 4, line 5.

Following: "affected"

Insert: "real"

16. Page 4, line 7.

Strike: "60"

Insert: "45"

17. Page 4, line 8.

Following: "affected"

Insert: "real"

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

18. Page 4, line 16.

Following: "unanimous"

Insert: "affirmative"

Strike: "whenever a county has"

Insert: "in counties with"

19. Page 4, line 17.

Following: "(ii)"

Strike: "a"

Insert: "an affirmative"

Following: "vote of"

Insert: "at least"

Strike: "elected"

Insert: "county"

Strike: "whenever a county has"

Insert: "in counties with"

20. Page 4, line 18.

Following: "(iii)"

Insert: "an affirmative vote of at least"

Strike: "elected"

Insert: "county"

Strike: "whenever a county has"

Insert: "in counties with"

21. Page 4, line 19.

Following: "exists"

Insert: "as determined by the county attorney"

22. Page 4, line 21.

Following: "affected"

Insert: "real"

23. Page 4, line 29.

Following: "affected"

Insert: "real"

24. Page 5, line 3.

Following: "submit"

Insert: "relevant"

25. Page 5, line 4.

Strike: "property"

Insert: "fair market"

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

Following: "value of"
Strike: "a"
Insert: "the property of"

26. Page 5, line 5.
Strike: "landowner"
Insert: "landowners"

27. Page 5, line 6.
Following: "by"
Strike: "a"

28. Page 5, line 10.
Following: "deprives"
Strike: "a"
Strike: "landowner"
Insert: "landowners"

29. Page 5, line 11.
Strike: "landowner's"
Insert: "landowners"

30. Page 5, line 16.
Following: "If"
Strike: "a"
Insert: "the"
Strike: "landowner submits"
Insert: "landowners submit"

31. Page 5, line 17.
Following: "diminution in"
Insert: "the aggregate"
Following: "value of"
Insert: "all of"
Strike: "landowner's"
Insert: "landowners' affected real"

32. Page 5, lines 21 and 22.
Following: "diminution in" on line 21
Insert: "the aggregate"
Strike: "each" on line 21
Insert: "all of the protesting landowners' affected real"
Strike: "owned" on line 21 through "landowner" on line 22

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

33. Page 5, line 23 through line 25.

Strike: subsection (4) in its entirety

34. Page 5, line 30 through page 6, line 4.

Strike: ", " on page 5, line 30 through "landowner" on page 6, line 4

Insert: "regarding alternatives to the proposed zoning action or mitigating modifications to the proposed zoning action"

35. Page 6, line 7.

Strike: "less restrictive mean exists"

Insert: "alternatives or mitigating modifications may be implemented"

36. Page 6, line 8.

Strike: "may not adopt"

Insert: "shall modify"

Following: "action"

Insert: "to incorporate the alternatives or mitigating modifications"

37. Page 6, line 26.

Strike: "once" through "county"

Insert: "in accordance with 7-1-2121"

38. Page 6, line 27.

Strike: "delivered via first class mail"

Insert: "mailed pursuant to 7-1-2122"

Following: "each"

Insert: "owner of"

Following: "affected"

Insert: "real"

Following: "property"

Strike: "owner"

39. Page 6, line 29 through page 7, line 12.

Strike: "The" on page 6, line 29 through "welfare." on page 7, line 12

40. Page 7, lines 14 and 15.

Following: "76-2-110" on line 14

Insert: "or in 76-2-227"

Following: "date the" on line 14

Strike: "real" on line 14 through "property" on line 15

Following: "findings" on line 15

Insert: "mailed pursuant to 7-1-2122"

41. Page 8, line 27 through page 9, line 24.

Strike: sections 11 through 13 in their entirety

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

Insert: "NEW SECTION. Section 11. Codification instruction. [Sections 1, 2, and 4 through 9] are intended to be codified as an integral part of:

 (1) Title 76, chapter 2, part 1, and the provisions of Title 76, chapter 2, part 1, apply to [sections 1, 2, and 4 through 9]; and

 (2) Title 76, chapter 2, part 2, and the provisions of Title 76, chapter 2, part 2, apply to [sections 1, 2, and 4 through 9]."

Insert: "NEW SECTION. Section 12. Contingent effective date. [This act] becomes effective on the date that the clerk of the Montana supreme court notifies the code commissioner that the Montana supreme court has declared the protest provisions of 76-2-101 or 76-2-205 to be unconstitutional."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate joint resolutions passed and transmitted to the House for concurrence: 4/5/2011

SJR 18, introduced by Gillan

SJR 20, introduced by Wittich

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

4/5/2011

HB 106, introduced by Lavin

HB 47 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 47**:

4/5/2011

Senator Balyeat, Chair

Senator Facey

Senator Hinkle

HB 42 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 42**:

4/5/2011

Senator Ripley, Chair

Senator Keane

Senator Olson

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

HB 29 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 29**:

4/5/2011

Senator Balyeat, Chair
Senator Facey
Senator Moore

HB 271 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 271**:

4/5/2011

Senator Shockley, Chair
Senator Hinkle
Senator Larsen

SB 97 - The Senate failed to concur in House amendments to **SB 97**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 97**:

4/5/2011

Senator Essmann, Chair
Senator Blewett
Senator Shockley

SB 153 - The Senate failed to concur in House amendments to **SB 153**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 153**:

4/5/2011

Senator Hutton, Chair
Senator Jent
Senator Shockley

House amendments to Senate bills NOT concurred in:

4/5/2011

SB 156, introduced by Windy Boy

SB 221, introduced by Gillan

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 33, introduced by MacLaren, McGillvray, Milburn, J. Peterson, Tutvedt, referred to Business and Labor.

HJR 34, introduced by Hendrick, referred to State Administration.

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 18, introduced by Gillan, referred to Human Services.

SJR 19, introduced by Caferro, Kaufmann, MacDonald, Wanzenried, Augare, O'Hara, Reinhart, Ankney, Read, Welborn, Furey, Hands, K. Williams, referred to Education.

SJR 20, introduced by Wittich, referred to Human Services.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 87 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: G. Bennett, Burnett, Edmunds, Esp, Flynn, Howard, Kary, Kennedy, Kerns, Knox, McGillvray, More, O'Neil, Read, Regier, Skattum, Skees, C. Smith, Stahl, Wagner.

Total 20

Excused: Evans.

Total 1

Absent or not voting: McNiven, Osmundson.

Total 2

SB 99 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts,

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Wagner.

Total 1

Excused: Evans.

Total 1

Absent or not voting: McNiven, Osmundson.

Total 2

SB 110 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: Osmundson.

Total 1

SB 166 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil,

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: Osmundson, Stahl.

Total 2

SB 195 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Blasdel, Burnett, Edmunds, Kennedy, Kerns, Knox, Miller, O'Neil, Skattum.

Total 9

Excused: Evans.

Total 1

Absent or not voting: Osmundson.

Total 1

SB 385 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Blyton, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt,

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

Sesso, Small, F. Smith, Squires, Stahl, Swanson, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 62

Nays: G. Bennett, Berry, Brodehl, Burnett, Cuffe, Edmunds, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Loney, Miller, More, O'Neil, Peterson, Randall, Read, Regier, Rosendale, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Welborn.

Total 36

Excused: Evans.

Total 1

Absent or not voting: Osmundson.

Total 1

SJR 8 concurred in as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Cook, Court, Driscoll, Fitzpatrick, Flynn, Furey, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 55

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Esp, Gibson, Greef, Hale, Hansen, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Lavin, Loney, Miller, More, O'Neil, Peterson, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, Taylor, Vance, Wagner, Warburton, Washburn.

Total 43

Excused: Evans.

Total 1

Absent or not voting: Osmundson.

Total 1

HB 166 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty,

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: Osmundson.

Total 1

HB 277 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

Nays: B. Beck, G. Bennett, Kennedy, Knox, Loney, McNiven, Miller, O'Neil, Randall, Roberts, Skattum, C. Smith, Welborn.

Total 13

Excused: Evans.

Total 1

Absent or not voting: Osmundson.

Total 1

HB 291 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price,

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

Randall, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: G. Bennett, Brodehl, Connell, Flynn, Hansen, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, Miller, O'Neil, Read, Regier, Skattum, Skees, C. Smith, Vance.

Total 21

Excused: Evans.

Total 1

Absent or not voting: Osmundson.

Total 1

HB 538 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: Hale, Kennedy, Kerns, Knox, Skattum, Skees, C. Smith.

Total 7

Excused: Evans.

Total 1

Absent or not voting: Osmundson.

Total 1

HB 548 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez,

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Hale, Hendrick, Kerns, Knox, Skees, Wagner.

Total 6

Excused: Evans.

Total 1

Absent or not voting: Osmundson.

Total 1

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Cook in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 267 - Representative G. Bennett moved **SB 267** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

Absent or not voting: Osmundson.

Total 1

SB 415 - Representative Stahl moved **SB 415** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 261 - Representative K. Peterson moved **SB 261** be concurred in. Motion **failed** as follows:

Yeas: Bangerter, G. Bennett, Berry, Blasdel, Blyton, Clark, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Hale, Harris, Hendrick, Howard, Ingraham, Kennedy, Kerns, Knox, Lavin, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Wagner, Warburton, Wilmer, Mr. Speaker.

Total 42

Nays: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Welborn, Williams, Yates.

Total 58

Excused: None.

Total 0

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

Absent or not voting: None.

Total 0

SB 268 - Representative Hansen moved **SB 268** be concurred in.

SB 268 - Representative MacDonald moved **SB 268**, second reading copy, be amended as follows:

1. Title, line 7.

Strike: "A SPECIAL"

Insert: "THE GENERAL"

Strike: "CONCURRENTLY WITH THE 2012 PRIMARY ELECTION"

Insert: "IN NOVEMBER 2012"

2. Page 3, line 3 through line 4.

Strike: subsection (3) in its entirety

3. Page 3, line 19.

Strike: "a special"

Insert: "the general"

Strike: "concurrently with the primary election held in the spring of"

Insert: "in November"

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Burnett, Cook, Court, Driscoll, Furey, Hands, Hill, Hiner, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Excused: Osmundson.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

SB 268 - Representative Sesso moved **SB 268**, second reading copy, be amended as follows:

1. Title, line 8.

Following: "ELECTION;" on line 7

Insert: "PROVIDING AN APPROPRIATION;"

Strike: "AN IMMEDIATE"

Strike: "DATE"

Insert: "DATES"

2. Page 3, line 4.

Insert: "NEW SECTION. **Section 5. Appropriation.** There is appropriated \$129,300 to the secretary of state from the general fund for fiscal year 2012 for the purpose of reimbursing counties for the costs of mailing voter information pamphlets."

Renumber: subsequent sections

3. Page 3, line 13.

Strike: "date"

Insert: "dates"

Strike: "[This"

Insert: "(1) Except as provided in subsection (2), [this"

4. Page 3, line 14.

Insert: "(2) [Section 5] is effective July 1, 2011."

Amendment **not** adopted as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 38

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 61

Excused: Osmundson.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

SB 268 - Representative MacDonald moved **SB 268**, second reading copy, be amended as follows:

1. Page 3, line 21 through line 22.

Strike: "with approximately equal populations"

Insert: "and allowing citizens to vote for only one of seven supreme court justices"

2. Page 3, line 23 through line 24.

Strike: "with approximately equal populations"

Insert: "and allowing citizens to vote for only one of seven supreme court justices"

Amendment **not** adopted as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Excused: Osmundson.

Total 1

Absent or not voting: None.

Total 0

SB 268 - Representative Hansen moved **SB 268** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Clark, Cook, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Cook moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: Evans, Osmundson.

Total 2

Absent or not voting: Connell, McChesney.

Total 2

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):
SB 81, be concurred in. Report adopted.

4/6/2011

FISH, WILDLIFE AND PARKS (Washburn, Chairman):
SB 348, be amended as follows:

4/5/2011

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

1. Title, page 1, line 6.

Strike: "AMENDING SECTION 87-5-132, MCA;"

2. Page 2, line 9 through line 20.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 2, line 23 through line 24.

Strike: "\$3,000" on line 23 through "report" on line 24

Insert: "\$800,000 annually"

4. Page 2, line 24 through line 26.

Strike: "Not" on line 24 through "purposes" on line 26

Insert: "For the purposes of this section, wolf management includes but is not limited to"

5. Page 2.

Following: line 27

Insert: "(b) monitoring of wolf packs and wolf populations;"

Renumber: subsequent subsections

6. Page 2, line 28.

Strike: "and"

7. Page 2, line 29.

Following: "livestock"

Insert: ";

(e) work with livestock owners to prevent depredation;

(f) research on wolves and wolf interaction with ungulates; and

(g) administration of wolf hunting seasons"

8. Page 3, line 1 through line 2.

Strike: ", including" on line 1 through "operate" on line 2

9. Page 3, line 4.

Following: "SERVICES"

Insert: "and county governments"

Following: "FOR"

Insert: "some of"

10. Page 3, line 6.

Strike: "[Section 2]"

Insert: "[Section 1]"

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

11. Page 3, line 7.

Strike: "[section 2]"

Insert: "[section 1]"

And, as amended, be concurred in. Report adopted.

TAXATION (Blasdel, Chairman):

4/6/2011

SB 358, be concurred in. Report adopted.

SJR 17, be concurred in. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 35, introduced by Wilmer, referred to State Administration.

MOTIONS

Representative McGillvray moved to suspend the rules and accept HB 555 from the Senate.

Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 62

Nays: Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer, Yates.
Total 35

Excused: Evans, Osmundson.
Total 2

Absent or not voting: O'Hara.
Total 1

HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 6, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 10:30 a.m., Thursday, April 7, 2011. Motion carried.

House adjourned at 3:01 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SEVENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
April 7, 2011

House Chambers
State Capitol

House convened at 10:30 a.m. Representative Taylor, Speaker Pro Tem, in the Chair. Invocation by Representative O'Neil. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Evans, excused. Mr. Speaker, absent. Quorum present.

BILLS (O'Hara, Chairman):

4/7/2011

Correctly printed: **HR 2, SB 319, SJR 33.**

Correctly engrossed: **HB 296, HB 333, HB 376, HB 410, SB 253, SB 326, SB 329, SB 372, SB 423.**

Examined by the sponsor and found to be correct: **HB 12, HB 69, HB 107, HB 125, HB 216, HB 295, HB 310, HB 336, HB 469, HB 522, HB 552, HB 584.**

Delivered to the Governor for approval at 3:50 p.m., April 7, 2011: **HB 187, HB 479.**

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollandsworth in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 296 - Representative Fitzpatrick moved **SB 296** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 81

Nays: Blasdel, Brodehl, Edmunds, Hale, Hendrick, Kennedy, Kerns, Knox, Miller, More, O'Neil, Regier, Skattum, Skees, C. Smith, Wagner, Warburton, Welborn.

Total 18

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

Excused: None.

Total 0

Absent or not voting: McNutt.

Total 1

SB 333 - Representative Fitzpatrick moved **SB 333** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Stahl.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 376 - Representative Yates moved **SB 376** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Vance, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 76

Nays: G. Bennett, Blasdel, Edmunds, Evans, Fitzpatrick, Hale, Hendrick, Kennedy, Kerns, Knox, Lavin, McGillvray, More, O'Neil, Regier, Salomon, Skattum, Skees, C. Smith, Stahl, Wagner, Warburton, Welborn.

Total 23

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

Excused: None.

Total 0

Absent or not voting: Ingraham.

Total 1

SB 382 - Representative Di. Barrett moved **SB 382** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Small, Stahl, Wagner.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 402 - Representative Kennedy moved **SB 402** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Hands, Malek, Pease-Lopez, Sands, Small, F. Smith.

Total 6

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 410 - Representative McGillvray moved consideration of **SB 410** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 413 - Representative O'Neil moved **SB 413** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Read.

Total 1

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 219 - Governor's Amendments - Representative McGillvray moved Governor's amendments to **HB 219** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Excused: None.
Total 0

Absent or not voting: Small.
Total 1

HB 91 - Senate Amendments - Representative Ingraham moved Senate amendments to **HB 91** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 100 - Senate Amendments - Representative Vance moved Senate amendments to **HB 100** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara,

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Barrett, Hill.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 132 - Senate Amendments - Representative Hoven moved Senate amendments to **HB 132** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: B. Bennett, Boland, Hands, Malek, Pease-Lopez, Sands.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 279 - Senate Amendments - Representative F. Smith moved Senate amendments to **HB 279** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen,

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: McGillvray, Stahl.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 341 - Senate Amendments - Representative C. Smith moved Senate amendments to **HB 341** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, F. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 77

Nays: B. Bennett, Boland, Court, Hands, MacDonald, Malek, McClafferty, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Wilmer.

Total 20

Excused: None.

Total 0

Absent or not voting: B. Beck, Small, Taylor.

Total 3

SB 410 - Representative Hoven moved **SB 410** be concurred in.

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

SB 410 - Representative Noonan moved **SB 410**, second reading copy, be amended as follows:

1. Page 3, line 18.

Following: ";

Strike: "and"

2. Page 3, line 19.

Following: "73-34-114"

Insert: "; and (e) determine the potential for job creation"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 80

Nays: B. Beck, Brodehl, Burnett, Connell, Hale, Hansen, Harris, Hendrick, Hollandsworth, MacLaren, Miller, More, O'Neil, Read, Skattum, Skees, C. Smith, Stahl, Wagner, Warburton.
Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 410 - Representative Hoven moved **SB 410**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Salomon, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.
Total 69

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Harris, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Randall, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skattum, Squires, Swanson, Wilmer.

Total 30

Excused: None.

Total 0

Absent or not voting: Edmunds.

Total 1

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollandsworth moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr.

Speaker.

Total 94

Nays: B. Bennett, Loney, Squires.

Total 3

Excused: Evans.

Total 1

Absent or not voting: Hollandsworth, Phillips.

Total 2

House Recessed.

House Reconvened.

Roll Call. All members present, except Representative Evans, excused. Quorum present.

Representative Hollandsworth introduced Mariah Witt who sang *Amazing Grace*.

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 267 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 268 concurred in as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 59

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kary, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 40

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 415 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Swanson, Williams, Wilmer.

Total 31

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Arntzen, Chairman):

4/7/2011

HJR 33, do pass. Report adopted.

EDUCATION (Reichner, Chairman):

4/6/2011

SB 329, be amended as follows:

1. Title, page 1, line 5.

Following: "LAWS;"

Insert: "CREATING THE PATHWAY TO EXCELLENCE PROGRAM; AMENDING THE STRUCTURE OF ESTIMATING AND ALLOCATING OIL AND NATURAL GAS PRODUCTION TAXES FOR SCHOOLS; LIMITING A SCHOOL DISTRICT'S FUND BALANCE REAPPROPRIATED TO A PERCENTAGE OF THE MAXIMUM GENERAL FUND BUDGET; ALLOWING A SCHOOL DISTRICT A ONE-TIME TRANSFER OF GENERAL FUND MONEY; PROVIDING AN INFLATIONARY INCREASE TO THE

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

BASIC ENTITLEMENT AND TOTAL PER-ANB ENTITLEMENT; CREATING A STATE
SCHOOL OIL AND NATURAL GAS IMPACT ACCOUNT; CREATING A COUNTY
SCHOOL OIL AND NATURAL GAS IMPACT FUND;"

2. Title, page 1, line 6.

Following: "AGREEMENTS;"

Insert: "DEFINING "MULTIDISTRICT COOPERATIVE";"

3. Title, page 1, line 18.

Following: "GRANTS;"

Insert: "ELIMINATING THE STATUTORY APPROPRIATION REQUIREMENT FOR THE
GUARANTEE ACCOUNT; ELIMINATING THE PERCENTAGE OF GROWTH FOR
SCHOOL DISTRICT BLOCK GRANTS; PROVIDING RULEMAKING AUTHORITY;"

4. Title, page 1.

Following: line 20

Insert: "15-36-332, 17-7-502,"

5. Title, page 1, line 21.

Following: "20-3-363,"

Insert: "20-9-104,"

Following: "20-9-208,"

Insert: "20-9-306,"

Following: "20-9-630,"

Insert: "20-9-622, 20-9-630,"

6. Title, page 1, line 23.

Following: "PROVIDING"

Strike: "AN"

Following: "EFFECTIVE"

Strike: "DATE"

Insert: "DATES AND AN APPLICABILITY DATE"

7. Page 1, line 26.

Insert: "**Section 1.** Section 15-36-332, MCA, is amended to read:

"15-36-332. Distribution of taxes to taxing units -- appropriation. (1) (a) By Subject to [section 7], by the dates referred to in subsection (6) of this section, the department shall distribute oil and natural gas production taxes allocated under 15-36-331(3) to each eligible county.

(b) By the dates referred to in subsection (6), the department shall distribute the amount deposited in the oil and gas natural resource distribution account under 15-36-331(2)(b) as provided in subsection (8) of this section.

(2) (a) Each county treasurer shall distribute the amount of oil and natural gas production taxes designated under subsection (1)(a), including the amounts referred to in subsection (2)(b), to the countywide elementary and high school retirement funds, countywide

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

transportation funds, and eligible school districts according to the following schedule:

	Elementary Retirement	High School Retirement	Countywide Transportation	School Districts
Big Horn	14.81%	10.36%	2.99%	26.99%
Blaine	5.86%	2.31%	2.71%	24.73%
Carbon	3.6%	6.62%	1.31%	49.18%
Chouteau	8.1%	4.32%	3.11%	23.79%
Custer	6.9%	3.4%	1.19%	31.25%
Daniels	0	7.77%	3.92%	48.48%
Dawson	5.53%	2.5%	1.11%	35.6%
Fallon	0	7.63%	1.24%	42.58%
Fergus	7.88%	4.84%	2.08%	53.25%
Garfield	4.04%	3.13%	5.29%	26.19%
Glacier	11.2%	4.87%	3.01%	46.11%
Golden Valley	0	11.52%	2.77%	54.65%
Hill	6.7%	4.07%	1.59%	49.87%
Liberty	4.9%	4.56%	1.15%	35.22%
McCone	4.18%	3.19%	2.58%	43.21%
Musselshell	5.98%	4.07%	3.53%	32.17%
Petroleum	0	11.92%	4.59%	55.48%
Phillips	0.43%	6.6%	1.08%	41.29%
Pondera	6.96%	5.06%	1.94%	45.17%
Powder River	3.96%	2.97%	4.57%	22.25%
Prairie	0	8.88%	1.63%	36.9%
Richland	4.1%	3.92%	2.26%	43.77%
Roosevelt	9.93%	7.37%	2.74%	40.94%
Rosebud	3.87%	2.24%	1.05%	72.97%
Sheridan	0	3.39%	2.22%	47.63%
Stillwater	6.87%	4.86%	1.63%	41.16%
Sweet Grass	6.12%	6.5%	2.4%	37.22%
Teton	6.88%	8.19%	3.8%	29.43%
Toole	2.78%	4.78%	1.3%	43.56%
Valley	2.26%	12.61%	4.63%	41.11%
Wibaux	0	4.1%	0.77%	31.46%
Yellowstone	7.98%	4.56%	1.07%	52.77%
All other counties	3.81%	7.84%	1.81%	41.04%

(b) (i) The county treasurer shall distribute 9.8% of the Custer County share to the countywide community college district in Custer County.

(ii) The county treasurer shall distribute 14.5% of the Dawson County share to the countywide community college district in Dawson County.

(3) The remaining oil and natural gas production taxes for each county must be used for the exclusive use and benefit of the county, including districts within the county established by the county.

(4) (a) The county treasurer shall distribute oil and natural gas production taxes to school districts in each county referred to in subsection (2) as provided in subsections (4)(b) through (4)(d) and subject to the provisions of [section 7].

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

(b) The amount distributed to each K-12 district within the county is equal to oil and natural gas production taxes in the county multiplied by the ratio that oil and natural gas production taxes attributable to oil and natural gas production in the K-12 school district bear to total oil and natural gas production taxes attributable to total oil and natural gas production in the county and multiply that amount by the school district percentage figure for the county referred to in subsection (2)(a).

(c) For the amount to be distributed to each elementary school district and to each high school district under subsection (4)(d), the department shall first determine the amount of oil and natural gas production taxes in the high school district that is attributable to oil and natural gas production in each elementary school district that is located in whole or in part within the exterior boundaries of a high school district and multiply that amount by the school district percentage figure for the county referred to in subsection (2)(a).

(d) (i) The amount distributed to each elementary school district that is located in whole or in part within the exterior boundaries of a high school district is equal to the amount determined in subsection (4)(c) multiplied by the ratio that the total mills of the elementary school district bear to the sum of the total mills of the elementary school district and the total mills of the high school district.

(ii) The amount distributed to the high school district is equal to the amount determined in subsection (4)(c) multiplied by the ratio that the total mills of the high school district bear to the sum of the total mills of each elementary school district referred to in subsection (4)(c) and the total mills of the high school district.

(5) ~~(a)~~ Oil and natural gas production taxes calculated for each school district under subsections (4)(b) through (4)(d) must be distributed to each school district in the relative proportion of the mill levy for each fund as provided in [section 7].

~~(b) If a distribution under subsection (5)(a) exceeds the total budget for a school district fund, the board of trustees of an elementary or high school district may reallocate the excess to any budgeted fund of the school district.~~

(6) ~~The Subject to [section 7],~~ the department shall remit the amounts to be distributed in this section to the county treasurer by the following dates:

(a) On or before August 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending March 31 of the current year.

(b) On or before November 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending June 30 of the current year.

(c) On or before February 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending September 30 of the previous year.

(d) On or before May 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending December 31 of the previous year.

(7) The department shall provide to each county by May 31 of each year the amount of gross taxable value represented by all types of production taxed under 15-36-304 for the previous calendar year multiplied by 60%. The resulting value must be treated as taxable value for county classification purposes under 7-1-2111.

(8) The department shall distribute the funds received under 15-36-331(2)(b) to

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

counties based on county oil and gas production. Of the distribution to a county, one-third must be distributed to the county government and two-thirds must be distributed to incorporated cities and towns within the county. If there is more than one incorporated city or town within the county, the city and town allocation must be distributed to the cities and towns based on their relative populations.

(9) The distributions to taxing units and to counties and incorporated cities and towns under this section are statutorily appropriated, as provided in 17-7-502, from the state special revenue fund."

Insert: "Section 2. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; ~~20-9-622~~; 20-26-1503; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-10-103; 82-11-161; 87-1-230; 87-1-603; 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 14, Ch.

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

374, L. 2009, the inclusion of 53-9-113 terminates June 30, 2015; pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30, 2013; and pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019.)""

Renumber: subsequent sections

8. Page 2, line 1.

Following: "agreement"

Insert: "to create a multidistrict cooperative"

9. Page 2, line 8.

Following: "district"

Insert: "of the multidistrict cooperative"

10. Page 2, line 21.

Insert: "(5) As used in this title, "multidistrict cooperative" means a public entity created by two or more school districts executing a multidistrict agreement under this section or any school district or other public entity participating in an interlocal cooperative agreement under the provisions of Title 20, chapter 9, part 7, as either a coordinating or a cooperating agency."

Insert: "NEW SECTION. Section 4. Montana pathway to excellence program --

purpose. (1) [Sections 4 and 5] may be known as the pathway to excellence program.

(2) The purpose of the pathway to excellence program is to promote educational excellence in Montana's public schools through data-driven decisionmaking.

(3) It is the intent of the program that Montana K-12 public education remain focused on continuous improvement and increased academic achievement for students in public schools.

Insert: "NEW SECTION. Section 5. Transparency and public availability of public school performance data. (1) The office of public instruction shall develop a publicly available data system that displays an educational data profile for each school district.

(2) Each school district's educational profile must include, at a minimum, the following elements:

(a) school district contact information and links to district websites, when available;

(b) state criterion-referenced testing results;

(c) program and course offerings;

(d) student enrollment and demographics by grade level; and

(e) graduation rates."

Insert: "Section 6. Section 20-9-104, MCA, is amended to read:

"20-9-104. General fund operating reserve. (1) At the end of each school fiscal year, the trustees of each district shall designate the portion of the general fund end-of-the-year fund balance that is to be earmarked as operating reserve for the purpose of paying general fund warrants issued by the district from July 1 to November 30 of the ensuing school fiscal year. Except as provided in subsections ~~(5) and (6)~~ (7) and (8), the amount of the general fund balance that is earmarked as operating reserve may not exceed 10% of the final general fund budget for the ensuing school fiscal year.

(2) The amount held as operating reserve may not be used for property tax reduction in the manner permitted by 20-9-141(1)(b) for other receipts.

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

(3) Excess reserves as provided in subsection ~~(5)~~ (7) may be appropriated to reduce the BASE budget levy, the over-BASE budget levy, or the additional levy provided by 20-9-353.

(4) Any portion of the general fund end-of-the-year fund balance that is not reserved under subsection (2) or reappropriated under subsection (3) is fund balance reappropriated and must be used for property tax reduction as provided in 20-9-141(1)(b): up to an amount not exceeding 15% of a school district's maximum general fund budget.

(5) For fiscal year 2012, any unreserved fund balance in excess of 15% of a school district's maximum general fund budget must be remitted to the state to be deposited in the state general fund.

(6) Beginning in fiscal year 2013, any unreserved fund balance in excess of 15% of a school district's maximum general fund budget must be remitted to the state and allocated as follows:

(a) 70% of the excess amount must be remitted to the state to be deposited in the guarantee account provided for in 20-9-622;

(b) 5% of the excess amount must be remitted to the state to be deposited in the state school oil and natural gas impact account provided for in [section 8]; and

(c) 25% of the excess amount must be deposited in the county school oil and natural gas impact fund provided for in [section 9].

~~(5)~~(7) The limitation of subsection (1) does not apply when the amount in excess of the limitation is equal to or less than the unused balance of any amount:

(a) received in settlement of tax payments protested in a prior school fiscal year;

(b) received in taxes from a prior school fiscal year as a result of a tax audit by the department of revenue or its agents; or

(c) received in delinquent taxes from a prior school fiscal year.

~~(6)~~(8) The limitation of subsection (1) does not apply when the amount earmarked as operating reserve is \$10,000 or less.

(9) Prior to June 30, 2011, a school district may transfer any general fund money in excess of 15% of the fiscal year 2011 general fund budget that is not needed to fund the budget to any budgeted fund considered appropriate by the trustees."

Insert: "NEW SECTION. Section 7. Oil and natural gas production taxes for school districts -- estimation, allocation, and limits. (1) In accordance with 20-9-141, the trustees of a district receiving oil and natural gas production taxes shall adopt an estimate of those taxes anticipated to be received by the district in any given school fiscal year. The estimated revenue must be allocated to the district general fund budget as provided for in subsection (7).

(2) The district's estimation of anticipated revenue may not be less than 40% of the prior year's actual taxes received in all funds.

(3) The maximum amount of oil and natural gas production taxes that a school district may retain is 150% of the school district's maximum or adopted budget, determined in accordance with 20-9-308.

(4) Upon receipt of school district budget reports required under 20-9-134, the superintendent of public instruction shall provide the department of revenue with a list reporting the maximum general fund budget for each school district.

(5) The department of revenue shall make the full quarterly distribution of oil and natural

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

gas production taxes as required under 15-36-332(6) until the amount distributed reaches the limitation in subsection (3) of this section.

(6) For fiscal year 2012, any amount of oil and natural gas production taxes exceeding the limitation in subsection (3) must be deposited in the state general fund.

(7) Subject to the limitation in subsection (3), the trustees shall allocate the oil and natural gas production taxes received by the district as follows:

(a) 75% of the school district's oil and natural gas production tax share must be directed to support the district's general fund budget; and

(b) 25% may be directed to the general fund or any other budgeted fund.

(8) Beginning July 1, 2013, for any amount retained by the department of revenue in compliance with the limitation in subsection (3), the amount retained must be allocated as follows:

(a) 70% of the retained amount must be deposited in the guarantee account provided for in 20-9-622;

(b) 5% of the retained amount must be deposited in the state school oil and natural gas impact account provided for in [section 8]; and

(c) 25% of the retained amount must be distributed to the counties for deposit in the county school oil and natural gas impact fund provided for in [section 9]."

Insert: "NEW SECTION. Section 8. State school oil and natural gas impact account. (1) There is a state school oil and natural gas impact account in the state special revenue fund provided for in 17-2-102. The purpose of the account is to provide money to counties and schools that are not receiving oil and natural gas production taxes under 15-36-331 but are impacted by neighboring counties that are benefiting from receipt of oil and natural gas production taxes.

(2) There must be deposited in the account oil and natural gas production taxes, if any, pursuant to [section 7(5)] and any amounts pursuant to 20-9-104(6).

(3) A county or school district may apply to the superintendent of public instruction for funds from the account for circumstances that are directly related to impacts resulting from the development or cessation of development of oil and natural gas as follows:

(a) an unusual enrollment increase as determined pursuant to 20-9-314;

(b) a district's need to hire new teachers or staff as a result of increased enrollment;

(c) the opening or reopening of an elementary or high school approved by the superintendent of public instruction pursuant to 20-6-502 or 20-6-503; or

(d) major maintenance for a school or district.

(4) In reviewing an applicant's request for funding, the superintendent of public instruction shall consider the following:

(a) the local district's or school's need;

(b) the severity of the energy development impacts;

(c) availability of funds in the account; and

(d) the applicant district's ability to meet the needs identified in subsection (3).

(5) The superintendent of public instruction shall adopt rules necessary to implement the application and distribution process.

(6) The amount in the account may not exceed \$7.5 million. Any amount over \$7.5 million must be deposited in the state general fund."

Insert: "NEW SECTION. Section 9. County school oil and natural gas impact

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

fund. (1) The governing body of a county receiving an allocation under 20-9-104(6) and [section 7(5)] shall establish a county school oil and natural gas impact fund.

(2) Money received by a county pursuant to 20-9-104(6) and [section 7(5)] must remain in the fund and may not be appropriated by the governing body until:

(a) the amount of oil and natural gas production taxes received by a school district for the fiscal year is 30% or less of the amount of the average received by the district in the previous 4 fiscal years;

(b) the average price of oil is \$50 a barrel or less for the fiscal year; or

(c) the production of oil in the county drops 50% or more below the average oil production in the county during the immediately preceding 5-year period.

(3) Within 30 days of any of the circumstances described in subsections (2)(a) through (2)(c) occurring, the governing body of the county shall allocate 80% of the money proportionally to affected high school districts and elementary school districts in the county.

(4) The governing body of the county may use 20% of the money in the fund to:

(a) pay for outstanding capital project bonds or other expenses incurred prior to the reduction in the price of oil described in subsection (2)(b);

(b) offset property tax levy increases that are directly caused by the cessation or reduction of oil and natural gas activity;

(c) promote diversification and development of the economic base within the jurisdiction;

(d) attract new industry to the area impacted by the changes in oil and natural gas activity described in subsection (2); or

(e) provide cash incentives for expanding the employment base of the area impacted by the changes in oil and natural gas activity described in subsection (2).

(5) Except as provided in subsection (4)(b), money held in the fund may not be considered as fund balance for the purpose of reducing mill levies.

(6) Money in the fund must be invested as provided by law. Interest and income from the investment of money in the fund must be credited to the fund."

Renumber: subsequent sections

11. Page 6, line 20.

Insert: "Section 13. Section 20-9-306, MCA, is amended to read:

"20-9-306. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district;

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and 40% of the special education allowable cost payment;

(c) the total quality educator payment;

(d) the total at-risk student payment;

(e) the total Indian education for all payment; and

(f) the total American Indian achievement gap payment.

(3) "BASE budget" means the minimum general fund budget of a district, which

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, 100% of the total quality educator payment, 100% of the total at-risk student payment, 100% of the total Indian education for all payment, 100% of the total American Indian achievement gap payment, and 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) for each high school district:

(i) ~~\$246,085~~ \$256,256 for fiscal year ~~2010~~ 2012; and

(ii) ~~\$253,468~~ \$257,870 for each succeeding fiscal year;

(b) for each elementary school district or K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(i) ~~\$22,141~~ \$23,056 for fiscal year ~~2010~~ 2012;

(ii) ~~\$22,805~~ \$23,201 for each succeeding fiscal year; and

(c) for each elementary school district or K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(i) for kindergarten through grade 6 elementary program:

(A) ~~\$22,141~~ \$23,056 for fiscal year ~~2010~~ 2012; and

(B) ~~\$22,805~~ \$23,201 for each succeeding fiscal year; plus

(ii) for an approved and accredited junior high school program, 7th and 8th grade program, or middle school:

(A) ~~\$62,704~~ \$65,295 for fiscal year ~~2010~~ 2012; and

(B) ~~\$64,585~~ \$65,706 for each succeeding fiscal year.

(7) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to 20-9-311.

(8) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(9) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, the total quality educator payment, the total at-risk student payment, the total Indian education for all payment, the total American Indian achievement gap payment, and the greater of:

(a) 175% of special education allowable cost payments; or

(b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(10) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

(11) "Total American Indian achievement gap payment" means the payment resulting from multiplying \$200 times the number of American Indian students enrolled in the district as provided in 20-9-330.

(12) "Total at-risk student payment" means the payment resulting from the distribution of any funds appropriated for the purposes of 20-9-328.

(13) "Total Indian education for all payment" means the payment resulting from multiplying \$20.40 times the ANB of the district or \$100 for each district, whichever is greater, as provided for in 20-9-329.

(14) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations and using either the current year ANB or the 3-year ANB provided for in 20-9-311:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$6,097~~ \$6,349 for fiscal year ~~2010~~ 2012 and ~~\$6,280~~ \$6,389 for each succeeding fiscal year for the first ANB, decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school, a maximum rate of ~~\$4,763~~ \$4,960 for fiscal year ~~2010~~ 2012 and ~~\$4,906~~ \$4,991 for each succeeding fiscal year for the first ANB, decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school, the sum of:

(i) a maximum rate of ~~\$4,763~~ \$4,960 for fiscal year ~~2010~~ 2012 and ~~\$4,906~~ \$4,991 for each succeeding fiscal year for the first ANB for kindergarten through grade 6, decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$6,097~~ \$6,349 for fiscal year ~~2010~~ 2012 and ~~\$6,280~~ \$6,389 for each succeeding fiscal year for the first ANB for grades 7 and 8, decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.

(15) "Total quality educator payment" means the payment resulting from multiplying \$3,036 for fiscal year 2008 and \$3,042 for each succeeding fiscal year times the number of full-time equivalent educators as provided in 20-9-327.""

Renumber: subsequent sections

12. Page 7, line 1.

Following: "district"

Insert: "or imposed by the district"

13. Page 8, line 7.

Following: "district"

Insert: "or imposed by the district"

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

14. Page 11, line 15.

Insert: "Section 17. Section 20-9-622, MCA, is amended to read:

"20-9-622. Guarantee account. ~~(1)~~ There is a guarantee account in the state special revenue fund. The guarantee account is intended to:

~~(a)~~(1) stabilize the long-term growth of the permanent fund; and

~~(b)~~(2) maintain a constant and increasing distributable revenue stream. All realized capital gains and all distributable revenue must be deposited in the guarantee account and may be appropriated only for K-12 public education purposes. Interest and income earnings on the guarantee account must be deposited in the account. Except as provided in subsection (2), the guarantee account is statutorily appropriated, as provided in 17-7-502, for distribution to school districts through school equalization aid as provided in 20-9-343.

~~(2) As long as a portion of the coal severance tax loan authorized in section 8, Chapter 418, Laws of 2001, is outstanding, the department of natural resources and conservation shall monthly transfer from the guarantee account to the general fund an amount that represents the amount of interest income that would be earned from the investment of the amount of the loan that is currently outstanding. When the loan is fully paid, all mineral royalties deposited in the guarantee account must be transferred to the school facility and technology account pursuant to 17-6-340."~~

Insert: "Section 18. Section 20-9-630, MCA, is amended to read:

"20-9-630. School district block grants. (1) (a) The office of public instruction shall provide a block grant to each school district based on the revenue received by each district in fiscal year 2001 from vehicle taxes and fees, corporate license taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999.

(b) Block grants must be calculated using the electronic reporting system that is used by the office of public instruction and school districts. The electronic reporting system must be used to allocate the block grant amount into each district's budget as an anticipated revenue source by fund.

(c) With the exception of vehicle taxes and fees, the office of public instruction shall use the amount actually received from the sources listed in subsection (1)(a) in fiscal year 2001 in its calculation of the block grant for fiscal year 2002 budgeting purposes. For vehicle taxes and fees, the office of public instruction shall use 93.4% of the amount actually received in fiscal year 2001 in calculating the block grant for fiscal year 2002.

~~(2) If the fiscal year 2003 appropriation provided in section 248(1), Chapter 574, Laws of 2001, is insufficient to fund the school district block grants in fiscal year 2003 at the fiscal year 2002 level, the office of public instruction shall prorate the block grants to meet the remaining appropriation. School districts shall anticipate the prorated block grant amounts provided by the office of public instruction in their budgets for fiscal year 2003.~~

~~(3)~~(2) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

~~(4)~~(3) (a) The block grant for the district general fund is equal to the ~~average~~ amount

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

received in fiscal ~~years 2002 and 2003~~ year 2011 by the district general fund from the block grants provided for in subsection (1). ~~The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.~~

(b) The block grant for the district transportation fund is equal to one-half of the ~~average~~ amount received in fiscal ~~years 2002 and 2003~~ year 2011 by the district transportation fund from the block grants provided for in subsection (1). ~~The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.~~

(c) (i) The combined fund block grant is equal to the ~~average~~ amount received in fiscal ~~years 2002 and 2003~~ year 2011. ~~by the district tuition, bus depreciation reserve, building reserve, nonoperating, and adult education funds from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.~~

(ii) The school district may deposit the combined fund block grant into any budgeted fund of the district.""

Renumber: subsequent sections

15. Page 12, line 26.

Insert: "NEW SECTION. Section 20. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe."

Insert: "NEW SECTION. Section 21. Codification instruction. [Sections 4, 5, and 7 through 9] are intended to be codified as an integral part of Title 20, chapter 9, and the provisions of Title 20, chapter 9, apply to [sections 4, 5, and 7 through 9]."

16. Page 12, line 27 through line 28.

Strike: "date"

Insert: "dates -- applicability"

Strike: "[This act]"

Insert: "(1) Except as provided in subsection (2), [this act]"

Following: "approval"

Strike: "JULY 1, 2011."

Insert: "on passage and approval and applies to school fiscal year 2012.

(2) [Sections 8 and 9] are effective July 1, 2012."

And, as amended, be concurred in. Report adopted.

HUMAN SERVICES (Howard, Chairman):

4/6/2011

SB 423, be amended as follows:

1. Title, page 1, line 5.

Strike: "THERAPEUTIC"

2. Title, page 1, line 6.

Strike: "SYSTEM OF LICENSING"

Insert: "REGISTRY PROGRAM"

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

3. Title, page 1, line 7 through line 9.

Strike: "FOR" on line 7 through "USE" on line 8

Insert: "BY CERTAIN INDIVIDUALS"

Strike: "CREATING" on line 8 through "ACCOUNT;" on line 9

4. Title, page 1, line 10 through line 11.

Strike: "37-1-101, 37-1-136,"

Following: "41-5-216,"

Strike: "45-9-101" on line 10 through "50-46-202," on line 11

Insert: "45-9-203,"

5. Page 1, line 14.

Insert: "WHEREAS, the state of Montana understands that manufacturing, distributing, or dispensing a controlled substance or possessing a controlled substance with intent to manufacture, distribute, or dispense the substance is a violation of the federal Controlled Substances Act; and

WHEREAS, marijuana is listed as a Schedule I controlled substance under that act; and

WHEREAS, by allowing the limited use of marijuana under the Montana Marijuana Act, the State of Montana does not condone the commission of a criminal violation of the federal Controlled Substances Act."

6. Page 1, line 17.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Short title -- purpose. (1) [Sections 1 through 17] may be cited as the "Montana Marijuana Act".

(2) The purpose of [sections 1 through 17] is to:

(a) provide legal protections to persons with debilitating medical conditions who engage in the use of marijuana to alleviate the symptoms of the debilitating medical condition;

(b) allow for the limited cultivation, manufacture, delivery, and possession of marijuana as permitted by [sections 1 through 17] by persons who obtain registry identification cards; and

(c) give local governments a role in establishing standards for the cultivation, manufacture, and use of marijuana that protect the public health, safety, and welfare of residents within their jurisdictions."

Insert: "NEW SECTION. Section 2. Definitions. As used in [sections 1 through 17], the following definitions apply: (1)"Debilitating medical condition" means a medical condition determined by a physician to be debilitating for the person diagnosed with the condition.

(2) "Department" means the department of public health and human services provided for in 2-15-2201.

(3) "Local government" means a county, a consolidated government, or an incorporated city or town.

(4) "Marijuana" has the meaning provided in 50-32-101.

(5) "Mature marijuana plant" means a harvestable female marijuana plant that is flowering.

(6) "Paraphernalia" has the meaning provided in 45-10-101.

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

(7) "Physician" means a person who is licensed under Title 37, chapter 3, and has an established office located in Montana.

(8)(a) "Provider" means a Montana resident 18 years of age or older who is authorized by the department to cultivate, manufacture, possess, or transport marijuana for use by a registered cardholder.

(b) The term does not include the cardholder's physician.

(9) "Registered cardholder" or "cardholder" means a Montana resident with a debilitating medical condition who has received and maintains a valid registry identification card.

(10) "Registry identification card" means a document issued by the department pursuant to [section 3] that identifies a person as a registered cardholder or provider.

(11) (a) "Resident" means an individual who meets the requirements of 1-1-215.

(b) An individual is not considered a resident for the purposes of [sections 1 through 17] if the individual:

(i) claims residence in another state or country for any purpose; or

(ii) is an absentee property owner paying property tax on property in Montana.

(12) "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and 12 inches in diameter.

(13) "Standard of care" means the standard established by rule by the board of medical examiners.

(14) (a) "Usable marijuana" means the dried leaves and flowers of the marijuana plant and any mixtures or preparations of the dried leaves and flowers that are appropriate for the use of marijuana by a person with a debilitating medical condition.

(b) The term does not include the seeds, stalks, and roots of the plant.

(15) "Written certification" means a statement signed by a treating physician that meets the requirements of [section 6] and is provided in a manner that meets the standard of care."

Insert: "NEW SECTION. Section 3. Department responsibilities -- issuance of cards -- confidentiality -- reports.(1) (a) The department shall establish and maintain a program for the issuance of registry identification cards to Montana residents who:

(i) have debilitating medical conditions and who submit applications meeting the requirements of [sections 1 through 17]; and

(ii) are named as providers by persons who obtain registry identification cards for their debilitating medical conditions.

(b) Persons who obtain registry identification cards are authorized to cultivate, manufacture, possess, and transport marijuana as allowed by [sections 1 through 17].

(2) The department shall conduct criminal history background checks as required by [sections 4 and 5] before issuing a registry identification card for a person named as a provider.

(3) Registry identification cards issued pursuant to [sections 1 through 17] must:

(a) be laminated and produced on a material capable of lasting for the duration of the time period for which the card is valid;

(b) state the name, address, and date of birth of the registered cardholder and of the cardholder's provider, if any;

(c) state the date of issuance and the expiration date of the registry identification card;

(d) contain a unique identification number;

(e) easily identify whether the card is for a person with a debilitating medical condition or for a provider; and

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

(f) contain other information that the department may specify by rule.

(4) (a) The department shall verify the information contained in an application or renewal submitted pursuant to [sections 1 through 17] and shall approve or deny an application or renewal within 15 days of receiving the application or renewal and all related application materials.

(b) The department shall issue a registry identification card within 15 days of approving an application or renewal.

(5) Registry identification cards expire 1 year after the date of issuance unless a registered cardholder changes providers. A provider's registry identification card expires at the time the department issues a card to a new provider named by a registered cardholder.

(6) A registered cardholder shall notify the department of any change in the cardholder's name, address, physician, or provider or change in the status of the cardholder's debilitating medical condition within 10 days of the change. If a change occurs and is not reported to the department, the registry identification card is void.

(7) The department shall maintain a confidential list of persons to whom the department has issued registry identification cards. Except as provided in subsection (8), individual names and other identifying information on the list must be confidential and are not subject to disclosure, except to:

(a) authorized employees of the department as necessary to perform the official duties of the department; and

(b) authorized employees of state or local government agencies, including law enforcement agencies, only as necessary to verify that an individual is a lawful possessor of a registry identification card.

(8) The department shall provide the names of registered cardholders and providers to the local law enforcement agency having jurisdiction in the area in which the cardholders or providers live. The law enforcement agency and its employees are subject to the confidentiality requirements of [section 14].

(9) (a) The department shall provide the board of medical examiners with the name of any physician who provides written certification for 15 or more patients within a 12-month period. The board of medical examiners shall review the physician's practices in order to determine whether the practices meet the standard of care.

(b) The physician whose practices are under review shall pay the costs of the board's review activities.

(10) The department shall report biannually to the legislature the number of applications for registry identification cards, the number of registered cardholders approved, the nature of the debilitating medical conditions of the cardholders, the number of providers approved, the number of registry identification cards revoked, the number of physicians providing written certification for registered cardholders, and the number of written certifications each physician has provided. The report may not provide any identifying information of cardholders or physicians."

Insert: "NEW SECTION. Section 4. Persons with debilitating medical conditions -- requirements -- minors -- limitations. (1) Except as provided in subsections (2) and (3), the department shall issue a registry identification card to a person with a debilitating medical condition who submits the following, in accordance with department rules:

(a) an application on a form prescribed by the department;

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

- (b) an application fee or a renewal fee;
 - (c) the person's name, street address, and date of birth;
 - (d) proof of Montana residency;
 - (e) a statement that the person will be cultivating and manufacturing marijuana for the person's use or will be obtaining marijuana from a provider;
 - (f) the name of the person's treating physician and the street address and telephone number of the physician's office;
 - (g) the street address where the person is cultivating or manufacturing marijuana if the person is cultivating or manufacturing marijuana for the person's own use;
 - (h) the name, date of birth, and street address of the individual the person has selected as a provider, if any; and
 - (i) a statement from the person's treating physician as required pursuant to [section 6].
- (2) The department shall issue a registry identification card to a minor if the materials required under subsection (2) are submitted and the minor's custodial parent or legal guardian with responsibility for health care decisions signs and submits a written statement that:
- (a) the minor's physician has explained to the minor and to the minor's custodial parent or legal guardian with responsibility for health care decisions the potential risks and benefits of the use of marijuana; and
 - (b) the minor's custodial parent or legal guardian with responsibility for health care decisions:
 - (i) consents to the use of marijuana by the minor;
 - (ii) agrees to serve as the minor's provider;
 - (iii) agrees to control the acquisition of marijuana and the dosage and frequency of the use of marijuana by the minor; and
 - (iv) undergoes a name-based background check. The parent or legal guardian shall pay the costs of the background check.
- (3) A person may not be a registered cardholder if the person is in the custody of or under the supervision of the department of corrections or a youth court.
- (4) A registered cardholder who elects to obtain marijuana from a provider may not cultivate or manufacture marijuana for the cardholder's use.
- (5) A registered cardholder may cultivate or manufacture marijuana as allowed under [section 9] only:
- (a) at a property that is owned by the cardholder; or
 - (b) with written permission of the landlord, at a property that is rented or leased by the cardholder.
- (6) No portion of the property used for cultivation and manufacture of marijuana for use by the registered cardholder may be shared with or rented or leased to a provider or to a registered cardholder unless the property is owned, rented, or leased by cardholders who are related to each other by the second degree of kinship by blood or marriage."
- Insert:** "NEW SECTION. **Section 5. Providers -- requirements -- limitations.** (1) The department shall issue a registry identification card to the person who is named as a provider in a registered cardholder's approved application if the person submits to the department:
- (a) the person's name, date of birth, and street address on a form prescribed by the department;
 - (b) proof that the person is a Montana resident;
 - (c) fingerprints to facilitate a fingerprint and background check by the department of

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

justice and the federal bureau of investigation;

(d) a written agreement signed by the registered cardholder;

(e) a statement indicating whether the person will cultivate and manufacture marijuana for the registered cardholder at a property owned, rented, or leased by the cardholder or by the person; and

(f) a fee as determined by the department to cover the costs of the fingerprint and background check and associated administrative costs of processing the registration.

(2) The department may not register a person as a provider if the person:

(a) has a felony conviction or a conviction for a drug offense;

(b) is in the custody of or under the supervision of the department of corrections or a youth court;

(c) has failed to:

(i) pay any taxes, interest, penalties, or judgments due to a government agency;

(ii) stay out of default on a government-issued student loan;

(iii) pay child support; or

(iv) remedy an outstanding delinquency for child support or for taxes or judgments owed to a government agency.

(3) A provider may assist only one registered cardholder unless the provider is simultaneously caring for up to three cardholders and two of the cardholders are related to the provider by the second degree of kinship by blood or marriage.

(4) Marijuana for use pursuant to [sections 1 through 17] must be cultivated and manufactured in Montana.

(5) A provider may not:

(a) accept compensation for any services or products provided to a registered cardholder;

(b) use marijuana; or

(c) be a registered cardholder.

(6) (a) A provider may cultivate and manufacture marijuana for use by a registered cardholder only at:

(i) a property that is owned by the provider;

(ii) with written permission of the landlord, a property that is rented or leased by the provider; or

(iii) a property owned, leased, or rented by the registered cardholder pursuant to the provisions of [section 4].

(b) No portion of the property used for cultivation and manufacture of marijuana may be shared with or rented or leased to another provider or another registered cardholder."

Insert: "NEW SECTION. Section 6. Physician statement. (1) The written certification provided by a physician must:

(a) confirm that the physician is the person's treating physician and that the person has been under the physician's medical care and supervision;

(b) confirm that the person suffers from a debilitating medical condition;

(c) describe the debilitating medical condition, why the condition is debilitating, and the extent to which it is debilitating;

(d) describe the medications, procedures, and other medical options used to treat the condition;

(e) state that the medications, procedures, or other medical options have not been

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

effective;

(f) state that the physician has a reasonable degree of certainty that the person's debilitating medical condition would be alleviated by the use of marijuana and that, as a result, the patient would be likely to benefit from the use of marijuana;

(g) list restrictions on the person's activities due to the use of marijuana;

(h) specify the time period for which the use of marijuana would be appropriate, up to a maximum of 1 year; and

(i) state that the physician will:

(i) continue to serve as the person's treating physician; and

(ii) supervise the person's use of marijuana and evaluate the efficacy of the treatment.

(2) If the written certification states that marijuana should be used for less than 1 year, the department shall issue a registry identification card that is valid for the period specified in the written certification."

Insert: "NEW SECTION. Section 7. Registry card to be carried and exhibited on demand -- photo identification required. A registered cardholder or provider shall keep the cardholder's or provider's registry identification card in the person's immediate possession at all times. The person shall display the registry identification card and a valid photo identification upon demand of a law enforcement officer, justice of the peace, or city or municipal judge."

Insert: "NEW SECTION. Section 8. Health care facility procedures for patients with marijuana for use. (1) Except for hospices that allow the use of marijuana as provided in [section 10], a health care facility as defined in 50-5-101 shall take the following measures in the order listed when a patient who is a registered cardholder has marijuana in the patient's possession upon admission to the health care facility:

(a) require the patient to remove the marijuana from the premises before the patient is admitted if the patient is able to do so;

(b) make a reasonable effort to contact the patient's provider, if any; or

(c) contact the local law enforcement agency having jurisdiction in the area where the facility is located.

(2) A provider contacted by a health care facility shall remove the marijuana and deliver it to the patient's residence.

(3) A law enforcement agency contacted by a health care facility shall respond by removing and destroying the marijuana.

(4) A health care facility may not be charged for costs related to removal of the marijuana from the facility's premises."

Insert: "NEW SECTION. Section 9. Legal protections -- allowable amounts. (1) (a) A registered cardholder may possess up to 4 mature plants, 12 seedlings, and 1 ounce of usable marijuana.

(b) A provider may possess the amounts allowed under subsection (1)(a) for each registered cardholder who has named the person as the registered cardholder's provider.

(2) Except as provided in [section 10] and subject to the provisions of subsection (7), an individual who possesses a registry identification card issued pursuant to [sections 1 through 17] may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a professional licensing board or the department of labor and industry, solely because:

(a) the registered cardholder or provider cultivates, manufactures, possesses, or

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

transports marijuana in the amounts allowed under this section; or

(b) the registered cardholder acquires or uses marijuana.

(3) A physician may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by the board of medical examiners or the department of labor and industry, solely for providing written certification for a patient with a debilitating medical condition.

(4) Nothing in this section prevents the imposition of a civil penalty or a disciplinary action by a professional licensing board or the department of labor and industry if:

(a) a registered cardholder's use of marijuana impairs the cardholder's job-related performance; or

(b) a physician violates the standard of care or other requirements of [sections 1 through 17].

(5) (a) An individual may not be arrested or prosecuted for constructive possession, conspiracy as provided in 45-4-102, or other provisions of law or any other offense solely for being in the presence or vicinity of the use of marijuana as permitted under [sections 1 through 17].

(b) This subsection (5) does not prevent the arrest or prosecution of an individual who is in the vicinity of a registered cardholder's use of marijuana if the individual is in possession of or is using marijuana and is not a registered cardholder.

(6) Possession of or application for a registry identification card does not alone constitute probable cause to search the individual or the property of the individual possessing or applying for the registry identification card or otherwise subject the individual or property of the individual possessing or applying for the card to inspection by any governmental agency, including a law enforcement agency.

(7) The provisions of this section relating to protection from arrest or prosecution do not apply to an individual unless the individual has obtained a registry identification card prior to an arrest or the filing of a criminal charge. It is not a defense to a criminal charge that an individual obtains a registry identification card after an arrest or the filing of a criminal charge."

Insert: "NEW SECTION. Section 10. Limitations of the act. (1) [Sections 1 through 17] do not permit:

(a) any person, including a registered cardholder, to operate, navigate, or be in actual physical control of a motor vehicle, aircraft, or motorboat while under the influence of marijuana; or

(b) except as provided in subsection (3), the use of marijuana by a registered cardholder:

(i) in a health care facility as defined in 50-5-101;

(ii) in a school or a postsecondary school as defined in 20-5-402;

(iii) on or in any property owned by a school district or a postsecondary school;

(iv) on or in any property leased by a school district or a postsecondary school when the property is being used for school-related purposes;

(v) in a school bus or other form of public transportation;

(vi) in a correctional facility;

(vii) at a public park, public beach, public recreation center, or youth center;

(viii) in or on the property of any church, synagogue, or other place of worship;

(ix) in plain view of or in a place open to the general public; or

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

(x) where exposure to the marijuana smoke significantly adversely affects the health, safety, or welfare of children.

(2) A registered cardholder or a provider may not cultivate or manufacture marijuana for use by a registered cardholder in a manner that is visible from the street or other public area.

(3) A hospice licensed under Title 50, chapter 5, may adopt a policy that allows use of marijuana by a registered cardholder.

(4) Nothing in [sections 1 through 17] may be construed to require:

(a) a government medical assistance program, a group benefit plan that is covered by the provisions of Title 2, chapter 18, an insurer covered by the provisions of Title 33, or an insurer as defined in 39-71-116 to reimburse a person for costs associated with the use of marijuana by a person with a debilitating medical condition;

(b) an employer to accommodate the use of marijuana by a registered cardholder;

(c) a school or postsecondary school to allow a registered cardholder to participate in extracurricular activities; or

(d) a landlord to allow a tenant who is a registered cardholder or a provider to cultivate or manufacture marijuana or to allow a registered cardholder to use marijuana.

(5) Nothing in [sections 1 through 17] may be construed to:

(a) prohibit an employer from including in any contract a provision prohibiting the use of marijuana for a debilitating medical condition; or

(b) permit a cause of action against an employer for wrongful discharge pursuant to 39-2-904 or discrimination pursuant to 49-1-102.

(6) Nothing in [sections 1 through 17] may be construed to allow a provider to use marijuana or to prevent criminal prosecution of a provider who uses marijuana or paraphernalia for personal use.

(7) (a) A law enforcement officer who has reasonable cause to believe that a registered cardholder or provider is driving under the influence of marijuana may apply for a search warrant to require the person to provide a sample of the person's blood for testing pursuant to the provisions of 61-8-405. A person with a tetrahydrocannabinol (THC) level of 3.5 ng/ml may be charged with a violation of 61-8-401.

(b) A registered cardholder or provider who violates subsection (1)(a) is subject to revocation of the person's registry identification card if the individual is convicted of or pleads guilty to any offense related to driving under the influence of alcohol or drugs when the initial offense with which the individual was charged was a violation of 61-8-401, 61-8-406, or 61-8-410. A revocation under this section must be for the period of suspension or revocation set forth:

(i) in 61-5-208 for a violation of 61-8-401 or 61-8-406; or

(ii) in 61-8-410 for a violation of 61-8-410.

(c) If a person's registry identification card is subject to renewal during the revocation period, the person may not renew the card until the full revocation period has elapsed. The card may be renewed only if the person submits all materials required for renewal."

Insert: "NEW SECTION. Section 11. Local government authority to regulate. To protect the public health, safety, or welfare, a local government may by ordinance or resolution regulate a provider that operates within the local government's jurisdictional area. The regulations may include but are not limited to inspections of locations where marijuana is cultivated or manufactured in order to ensure compliance with any public health, safety, and welfare requirements established by the department or the local government."

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

Insert: "NEW SECTION. Section 12. Unlawful conduct by cardholders -- penalties.

(1) The department shall revoke and may not reissue the registry identification card of a person who:

- (a) is convicted of a drug offense; or
- (b) allows another person to be in possession of the cardholder's:
 - (i) registry identification card; or
 - (ii) marijuana plants or usable marijuana.

(2) A registered cardholder or a provider who violates [sections 1 through 17] is punishable by a fine not to exceed \$500 or by imprisonment in a county jail for a term not to exceed 6 months, or both, unless otherwise provided in [sections 1 through 17] or unless the violation would constitute a violation of Title 45. An offense constituting a violation of Title 45 must be charged and prosecuted pursuant to the provisions of Title 45."

Insert: "NEW SECTION. Section 13. Fraudulent representation -- penalties. (1) In addition to any other penalties provided by law, a person who fraudulently represents to a law enforcement official that the person is a registered cardholder or a provider is guilty of a felony punishable by imprisonment in the state prison for not less than 1 year or not more than 5 years or a fine not to exceed \$50,000, or both.

(2) A physician who purposely and knowingly misrepresents any information required under [section 6] is guilty of a felony punishable by imprisonment in the state prison for not less than 1 year or not more than 5 years or a fine not to exceed \$50,000, or both."

Insert: "NEW SECTION. Section 14. Confidentiality of registry information -- penalty. (1) A person, including an employee or official of the department of public health and human services, commits the offense of disclosure of confidential information related to registry information if the person knowingly or purposely discloses confidential information in violation of [sections 1 through 17].

(2) A person convicted of a violation of this section shall be fined not to exceed \$1,000 or imprisoned in the county jail for a term not to exceed 6 months, or both."

Insert: "NEW SECTION. Section 15. Law enforcement authority. Nothing in this chapter may be construed to limit a law enforcement agency's ability to investigate unlawful activity in relation to a person with a debilitating medical condition or the person's provider."

Insert: "NEW SECTION. Section 16. Forfeiture. (1) Marijuana, paraphernalia relating to marijuana, or other property seized by a law enforcement official from a person claiming the protections of [sections 1 through 17] in connection with the cultivation, manufacture, possession, transportation, distribution, or use of marijuana must be returned to the person immediately upon a determination that the person is in compliance with the provisions of [sections 1 through 17].

(2) A law enforcement agency in possession of marijuana plants seized as evidence is not responsible for the care and maintenance of the plants."

Insert: "NEW SECTION. Section 17. Rulemaking authority -- fees. (1) The department shall adopt rules necessary for the implementation and administration of [sections 1 through 17]. The rules must include but are not limited to:

- (a) the manner in which the department will consider applications for registry identification cards for providers and for persons with debilitating medical conditions and renewal of registry identification cards for providers and registered cardholders;
- (b) the acceptable forms of proof of Montana residency;

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

(c) the procedures for obtaining fingerprints for the fingerprint and background check required under [section 5]; and

(d) other rules necessary to implement the purposes of [sections 1 through 17].

(2) The department's rules must establish application and renewal fees that generate revenue sufficient to offset all expenses of implementing and administering [sections 1 through 17]."

Insert: "Section 18. Section 37-1-316, MCA, is amended to read:

"37-1-316. Unprofessional conduct. The following is unprofessional conduct for a licensee or license applicant governed by this part:

(1) conviction, including conviction following a plea of nolo contendere, of a crime relating to or committed during the course of the person's practice or involving violence, use or sale of drugs, fraud, deceit, or theft, whether or not an appeal is pending;

(2) permitting, aiding, abetting, or conspiring with a person to violate or circumvent a law relating to licensure or certification;

(3) fraud, misrepresentation, deception, or concealment of a material fact in applying for or assisting in securing a license or license renewal or in taking an examination required for licensure;

(4) signing or issuing, in the licensee's professional capacity, a document or statement that the licensee knows or reasonably ought to know contains a false or misleading statement;

(5) a misleading, deceptive, false, or fraudulent advertisement or other representation in the conduct of the profession or occupation;

(6) offering, giving, or promising anything of value or benefit to a federal, state, or local government employee or official for the purpose of influencing the employee or official to circumvent a federal, state, or local law, rule, or ordinance governing the licensee's profession or occupation;

(7) denial, suspension, revocation, probation, fine, or other license restriction or discipline against a licensee by a state, province, territory, or Indian tribal government or the federal government if the action is not on appeal, under judicial review, or has been satisfied;

(8) failure to comply with a term, condition, or limitation of a license by final order of a board;

(9) revealing confidential information obtained as the result of a professional relationship without the prior consent of the recipient of services, except as authorized or required by law;

(10) use of alcohol, a habit-forming drug, or a controlled substance as defined in Title 50, chapter 32, to the extent that the use impairs the user physically or mentally in the performance of licensed professional duties;

(11) having a physical or mental disability that renders the licensee or license applicant unable to practice the profession or occupation with reasonable skill and safety;

(12) engaging in conduct in the course of one's practice while suffering from a contagious or infectious disease involving serious risk to public health or without taking adequate precautions, including but not limited to informed consent, protective gear, or cessation of practice;

(13) misappropriating property or funds from a client or workplace or failing to comply with a board rule regarding the accounting and distribution of a client's property or funds;

(14) interference with an investigation or disciplinary proceeding by willful

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

misrepresentation of facts, by the use of threats or harassment against or inducement to a client or witness to prevent them from providing evidence in a disciplinary proceeding or other legal action, or by use of threats or harassment against or inducement to a person to prevent or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted, or completed;

(15) assisting in the unlicensed practice of a profession or occupation or allowing another person or organization to practice or offer to practice by use of the licensee's license;

(16) failing to report the institution of or final action on a malpractice action, including a final decision on appeal, against the licensee or of an action against the licensee by a:

(a) peer review committee;

(b) professional association; or

(c) local, state, federal, territorial, provincial, or Indian tribal government;

(17) failure of a health care provider, as defined in 27-6-103, to comply with a policy or practice implementing 28-10-103(3)(a);

(18) conduct that does not meet the generally accepted standards of practice. A certified copy of a malpractice judgment against the licensee or license applicant or of a tort judgment in an action involving an act or omission occurring during the scope and course of the practice is conclusive evidence of but is not needed to prove conduct that does not meet generally accepted standards;

(19) the sole use of any electronic means, including teleconferencing, to obtain the information required for the written certification that is used to apply for a registry identification card pursuant to [sections 1 through 17]."

Insert: "Section 19. Section 37-3-343, MCA, is amended to read:

"37-3-343. Practice of telemedicine prohibited without license -- scope of practice limitations -- violations and penalty. (1) A physician may not practice telemedicine in this state without a telemedicine license issued pursuant to 37-3-301, 37-3-341 through 37-3-345, and 37-3-347 through 37-3-349.

(2) A telemedicine license authorizes an out-of-state physician to practice telemedicine only with respect to the specialty in which the physician is board-certified or meets the current requirements to take the examination to become board-certified and on which the physician bases the physician's application for a telemedicine license pursuant to 37-3-345(2).

(3) A telemedicine license authorizes an out-of-state physician to practice only telemedicine. A telemedicine license does not authorize the physician to engage in the practice of medicine while physically present within the state.

(4) A telemedicine license may not be used by a physician as a means to obtain the information required for the written certification that is used to apply for a registry identification card pursuant to [sections 1 through 17].

~~(4)~~(5) A physician who practices telemedicine in this state without a telemedicine license issued pursuant to 37-3-301, 37-3-341 through 37-3-345, and 37-3-347 through 37-3-349, in violation of the terms or conditions of that license, in violation of the scope of practice allowed by the license, or without a physician's license issued pursuant to 37-3-301, is guilty of a misdemeanor and on conviction shall be sentenced as provided in 37-3-325."

Insert: "Section 20. Section 37-3-347, MCA, is amended to read:

"37-3-347. Reasons for denial of license -- alternative route to licensed practice.

(1) The board may deny an application for a telemedicine license if the applicant:

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

(a) fails to demonstrate that the applicant possesses the qualifications for a license required by 37-3-341 through 37-3-345 and 37-3-347 through 37-3-349 and the rules of the board;

(b) plans to use telemedicine as a means to obtain the information required for the written certification that is used to apply for a registry identification card pursuant to [sections 1 through 17];

~~(b)~~(c) fails to pay a required fee;

~~(c)~~(d) does not possess the qualifications or character required by this chapter; or

~~(d)~~(e) has committed unprofessional conduct.

(2) A physician who does not meet the qualifications for a telemedicine license provided in 37-3-345 may apply for a physician's license in order to practice medicine in Montana."

Insert: "Section 21. Section 41-5-216, MCA, is amended to read:

"41-5-216. Disposition of youth court, law enforcement, and department records -- sharing and access to records. (1) Formal youth court records, law enforcement records, and department records that are not exempt from sealing under subsections (4) and (6) and that pertain to a youth covered by this chapter must be physically sealed on the youth's 18th birthday. In those cases in which jurisdiction of the court or any agency is extended beyond the youth's 18th birthday, the records must be physically sealed upon termination of the extended jurisdiction.

(2) Except as provided in subsection (6), when the records pertaining to a youth pursuant to this section are sealed, an agency, other than the department, that has in its possession copies of the sealed records shall destroy the copies of the records. Anyone violating the provisions of this subsection is subject to contempt of court.

(3) Except as provided in subsection (6), this section does not prohibit the destruction of records with the consent of the youth court judge or county attorney after 10 years from the date of sealing.

(4) The requirements for sealed records in this section do not apply to medical records, fingerprints, DNA records, photographs, youth traffic records, records in any case in which the youth did not fulfill all requirements of the court's judgment or disposition, records referred to in 42-3-203, reports referred to in 45-5-624(7), or the information referred to in 46-23-508, in any instance in which the youth was required to register as a sexual offender pursuant to Title 46, chapter 23, part 5.

(5) After formal youth court records, law enforcement records, and department records are sealed, they are not open to inspection except, upon order of the youth court, for good cause, including when a youth commits a new offense, to:

(a) those persons and agencies listed in 41-5-215(2); and

(b) adult probation professional staff preparing a presentence report on a youth who has reached the age of majority.

(6) (a) When formal youth court records, law enforcement records, and department records are sealed under subsection (1), the electronic records of the management information system maintained by the department of public health and human services and by the department relating to the youth whose records are being sealed must be preserved for the express purpose of research and program evaluation as provided in subsection (6)(b).

(b) The department of public health and human services and the department shall disassociate the offense and disposition information from the name of the youth in the

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

respective management information system. The offense and disposition information must be maintained separately and may be used only:

- (i) for research and program evaluation authorized by the department of public health and human services or by the department and subject to any applicable laws; and
- (ii) as provided in Title 5, chapter 13.

(7) (a) Informal youth court records for a youth for whom formal proceedings have been filed must be physically sealed on the youth's 18th birthday or, in those cases in which jurisdiction of the court or any agency is extended beyond the youth's 18th birthday, upon termination of the extended jurisdiction and may be inspected only pursuant to subsection (5).

(b) The informal youth court records may be maintained and inspected only by youth court personnel upon a new offense prior to the youth's 18th birthday.

(c) Except as provided in subsection (7)(a), when a youth becomes 18 years of age or when extended supervision ends and the youth was involved only in informal proceedings, informal youth court records that are in hard-copy form must be destroyed and any electronic records in the youth court management information system must disassociate the offense and disposition information from the name of the youth and may be used only for the following purposes:

- (i) for research and program evaluation authorized by the office of the court administrator and subject to any applicable laws; and
- (ii) as provided in Title 5, chapter 13.

(8) Nothing in this section prohibits the intra-agency use or information sharing of formal or informal youth court records within the juvenile probation management information system. Electronic records of the youth court may not be shared except as provided in 41-5-1524. If a person authorized under 41-5-215 is in need of a copy of a record that is in electronic form, the juvenile probation officer shall make only a physical copy of the record that is authorized and the person receiving the record shall destroy the record after it has fulfilled its purpose or as provided in subsection (2) of this section.

(9) This section does not prohibit the intra-agency use or information sharing of formal or informal youth court records within the department's youth management information system. Electronic records of the department's youth management information system may not be shared except as provided in subsection (5). If a person authorized under 41-5-215 is in need of a copy of a record that is in electronic form, the department shall make only a physical copy of the record that is authorized and the person receiving the record shall destroy the record after it has fulfilled its purpose or as provided in subsection (2) of this section.

(10) This section does not prohibit the sharing of formal or informal youth court records with a short-term detention center, a youth care facility, a youth assessment center, or a youth detention facility upon placement of a youth within the facility.

(11) This section does not prohibit access to formal or informal youth court records, including electronic records, for purposes of conducting evaluations as required by 41-5-2003.

(12) This section does not prohibit the office of court administrator, upon written request from the department of public health and human services, from confirming whether a person applying for a registry identification card pursuant to [section 4 or 5] is currently under youth court supervision."

Insert: "Section 22. Section 45-9-203, MCA, is amended to read:

"45-9-203. Surrender of license. (1) If a court suspends or revokes a driver's license

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

under 45-9-202(2)(e), the defendant shall, at the time of sentencing, surrender the license to the court. The court shall forward the license and a copy of the sentencing order to the department of justice. The defendant may apply to the department for issuance of a probationary license under 61-2-302.

(2) If a person with a registry identification card issued pursuant to [section 4 or 5] is convicted of an offense under this chapter, the court shall:

(a) at the time of sentencing, require the person to surrender the registry identification card; and

(b) notify the department of public health and human services of the conviction in order for the department to carry out its duties under [section 12]."

Insert: "Section 23. Section 61-11-101, MCA, is amended to read:

"61-11-101. Report of convictions and suspension or revocation of driver's licenses -- surrender of licenses. (1) If a person is convicted of an offense for which chapter 5 or chapter 8, part 8, makes mandatory the suspension or revocation of the driver's license or commercial driver's license of the person by the department, the court in which the conviction occurs shall require the surrender to it of all driver's licenses then held by the convicted person. The court shall, within 5 days after the conviction becomes final, forward the license and a record of the conviction to the department. If the person does not possess a driver's license, the court shall indicate that fact in its report to the department.

(2) A court having jurisdiction over offenses committed under a statute of this state or a municipal ordinance regulating the operation of motor vehicles on highways, except for standing or parking statutes or ordinances, shall forward a record of the conviction, as defined in 61-5-213, to the department within 5 days after the conviction becomes final. The court may recommend that the department issue a restricted probationary license on the condition that the individual comply with the requirement that the person attend and complete a chemical dependency education course, treatment, or both, as ordered by the court under 61-8-732.

(3) A court or other agency of this state or of a subdivision of the state that has jurisdiction to take any action suspending, revoking, or otherwise limiting a license to drive shall report an action and the adjudication upon which it is based to the department within 5 days on forms furnished by the department.

(4) A conviction becomes final for the purposes of this part upon the later of:

(a) expiration of the time for appeal of the court's judgment or sentence to the next highest court;

(b) forfeiture of bail that is not vacated; or

(c) imposition of a fine or court cost as a condition of a deferred imposition of a sentence or a suspended execution of a sentence.

(5) (a) On a conviction referred to in subsection (1) of a person who holds a commercial driver's license or who is required to hold a commercial driver's license, a court may not take any action, including deferring imposition of judgment, that would prevent a conviction for any violation of a state or local traffic control law or ordinance, except a parking law or ordinance, in any type of motor vehicle, from appearing on the person's driving record. The provisions of this subsection (5)(a) apply only to the conviction of a person who holds a commercial driver's license or who is required to hold a commercial driver's license and do not apply to the conviction of a person who holds any other type of driver's license.

(b) For purposes of this subsection (5), "who is required to hold a commercial driver's

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

license" refers to a person who did not have a commercial driver's license but who was operating a commercial motor vehicle at the time of a violation of a state or local traffic control law or ordinance resulting in a conviction referred to in subsection (1).

(6) (a) If a person who holds a valid registry identification card issued pursuant to [section 4 or 5] is convicted of or pleads guilty to any offense related to driving under the influence of alcohol or drugs when the initial offense with which the person was charged was a violation of 61-8-401, 61-8-406, or 61-8-410, the court in which the conviction occurs shall require the person to surrender the registry identification card.

(b) Within 5 days after the conviction becomes final, the court shall forward the registry identification card and a copy of the conviction to the department of public health and human services."

Insert: "NEW SECTION. Section 24. Repealer. The following sections of the Montana Code Annotated are repealed:

- 50-46-101. Short title.
- 50-46-102. Definitions.
- 50-46-103. Procedures -- minors -- confidentiality -- report to legislature.
- 50-46-201. Medical use of marijuana -- legal protections -- limits on amount -- presumption of medical use.
- 50-46-202. Disclosure of confidential information relating to medical use of marijuana -- penalty.
- 50-46-205. Limitations of Medical Marijuana Act.
- 50-46-206. Affirmative defense.
- 50-46-207. Fraudulent representation of medical use of marijuana -- penalty.
- 50-46-210. Rulemaking -- fees."

Insert: "NEW SECTION. Section 25. Transition. (1) Registry identification cards issued to persons with debilitating medical conditions prior to [the effective date of this act] are valid until the expiration date listed on the card.

(2) A person who obtained a registry identification card as a caregiver pursuant to 50-46-103 before July 1, 2011, may not be in possession of marijuana plants, seedlings, cuttings, clones, usable marijuana, or marijuana-related products on July 1, 2011. Before July 1, 2011, the caregiver shall take the items to the law enforcement agency having jurisdiction in the caregiver's area. The law enforcement agency shall destroy the items."

Insert: "NEW SECTION. Section 26. Codification instruction. [Sections 1 through 17] are intended to be codified as an integral part of Title 50, chapter 46, and the provisions of Title 50, chapter 46, apply to [sections 1 through 17]."

Insert: "COORDINATION SECTION. Section 27. Coordination instruction. (1) If both House Bill No. 161 and [this act] are passed and approved, then [this act] is void.

(2) If both House Bill No. 175 and [this act] are passed and approved and [this act] repeals 50-46-101, 50-46-102, 50-46-103, 50-46-201, 50-46-202, 50-46-205, 50-46-206, 50-46-207, and 50-46-210, then House Bill No. 175 is void."

Insert: "NEW SECTION. Section 28. Instructions to code commissioner. (1) Wherever a reference to "medical use of marijuana" or "medical marijuana" appears in legislation enacted by the 2011 legislature, the code commissioner is directed to change the reference to "use of marijuana for a debilitating medical condition".

(2) Wherever a reference to 50-46-102 appears in legislation enacted by the 2011

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

legislature, the reference must be replaced with a reference to [section 2 of Senate Bill No. 423], if appropriate.

(3) Wherever a reference to 50-46-205 appears in legislation enacted by the 2011 legislature, the reference must be replaced with a reference to [section 7 of Senate Bill No. 423]."

Insert: "NEW SECTION. Section 29. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Insert: "NEW SECTION. Section 30. Effective date. [This act] is effective July 1, 2011."

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman):

4/7/2011

HR 2, do pass. Report adopted.

SB 326, be amended as follows:

1. Page 2, line 18.

Strike: "and"

Insert: "or"

And, as amended, be concurred in. Report adopted.

TAXATION (Blasdel, Chairman):

4/7/2011

SB 253, be amended as follows:

1. Title, page 1, line 6.

Strike: "THE CREDIT FOR USE OF AN ECONOMIC DEVELOPMENT LOAN,"

2. Title, page 1, line 8 through line 9.

Strike: "THE CREDIT" on line 8 through "BUILDINGS," on line 9

3. Title, page 1, line 10 through line 11.

Strike: "CREDITS FOR MOVIE" on line 10 through "INCENTIVES," on line 11

4. Title, page 1, line 20.

Strike: "15-31-910,"

5. Title, page 1, line 21.

Strike: "17-7-502,"

6. Title, page 1, line 23.

Strike: "15-30-2342,"

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

7. Title, page 1, line 24 through line 25.

Strike: "15-31-151," on line 24 through "15-31-911," on line 25

8. Title, page 1, line 28.

Strike: "17-6-316,"

9. Page 2, line 15 through line 22.

Strike: section 2 in its entirety

Renumber: subsequent sections

10. Page 8, line 9 through page 9, line 11.

Strike: section 11 in its entirety

Renumber: subsequent sections

11. Page 29, line 20.

Strike: "15-31-151, 15-31-907,"

12. Page 29, line 21.

Strike: "17-6-316,"

13. Page 30, line 10.

Strike: "15-30-2342" through "property."

14. Page 30, line 15.

Strike: "15-31-151" through "buildings."

15. Page 30, line 21 through line 29.

Strike: "15-31-901." on line 21 through "Rules." on line 29

16. Page 31, line 29.

Strike: "17-6-316" through "credit."

And, as amended, be concurred in. Report adopted.

TRANSPORTATION (Vance, Chairman):

SB 319, be concurred in. Report adopted.

4/6/2011

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 271**
Report No. 1, April 7, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 271** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 271** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 9 and line 10.

Strike: "UNDER" on line 9 through "WEAPON" on, line 10

Insert: "TO POSSESS A HANDGUN UNDER STATE OR FEDERAL LAW"

2. Page 1, line 22.

Following: "person"

Insert: "eligible to possess a handgun under state or federal law, a person"

Following: " ¹"

Insert: "or"

3. Page 1, line 23 through line 25.

Strike: ", OR" on page 1, line 23 through "COURSE" on page 1, line 25

For the House:

Kerns, Chair
Mehlhoff
Skattum

For the Senate:

Shockley, Vice Chair
Hinkle

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in:

4/6/2011

SB 54, introduced by Balyeat

SB 59, introduced by Moss

SB 108, introduced by De. Barrett

SB 124, introduced by Ripley

SB 135, introduced by Balyeat

SB 136, introduced by Balyeat

SB 138, introduced by Jones

SB 173, introduced by Tutvedt

SB 201, introduced by Walker

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

SB 212, introduced by Ripley
SB 234, introduced by Sonju
SB 238, introduced by Blewett
SB 241, introduced by Priest
SB 255, introduced by Brenden
SB 279, introduced by Jackson
SB 311, introduced by Gallus
SB 327, introduced by Larsen
SB 340, introduced by Vincent
SB 367, introduced by Vincent

Senate joint resolutions concurred in and returned to the House: 4/6/2011

SJR 22, introduced by Priest
SJR 25, introduced by Moss. This bill was transmitted after the General Bill Deadline.

House bills concurred in and returned to the House: 4/6/2011

HB 196, introduced by Connell
HB 602, introduced by McNutt

HB 43 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 43**:

4/6/2011

Senator Moore, Chair
Senator Facey
Senator Tutvedt

HB 525 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 525**:

4/6/2011

Senator Facey, Chair
Senator Jackson
Senator Steinbeisser

HB 297 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 297**:

4/6/2011

Senator Shockley, Chair
Senator Augare
Senator Jones

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

HB 258 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 258**:

4/6/2011

Senator Mowbray, Chair
Senator Jackson
Senator Tropila

SB 156 - The Senate failed to concur in House amendments to **SB 156**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 156**:

4/6/2011

Senator Murphy, Chair
Senator Priest
Senator Windy Boy

SB 221 - The Senate failed to concur in House amendments to **SB 221**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 221**:

4/6/2011

Senator Gillan, Chair
Senator Murphy
Senator Priest

House amendments to Senate bill NOT concurred in:

4/6/2011

SB 198, introduced by Balyeat

MESSAGES FROM THE GOVERNOR

April 6, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 28** sponsored by Representative McNutt, **House Bill 37** sponsored by Representative McChesney, **House Bill 52** sponsored by Representative Ankney, **House Bill 63** sponsored by Representative Noonan, **House Bill 126** sponsored by Representative Hansen, **House Bill 181** sponsored by Representative Arntzen,

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

House Bill 255 sponsored by Representative Wilmer et al., and **House Bill 426** sponsored by Representative MacLaren et al., on March 30, 2011. I regret the delay in this notice.

Sincerely,

BRIAN SCHWEITZER
Governor

April 7, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 25** sponsored by Representative Roberts, **House Bill 80** sponsored by Representative Arntzen, **House Bill 82** sponsored by Representative Sands, **House Bill 117** sponsored by Representative Hunter, **House Bill 142** sponsored by Representative Sands, **House Bill 171** sponsored by Representative Ingraham et al., **House Bill 212** sponsored by Representative Ingraham, **House Bill 229** sponsored by Representative McNutt, **House Bill 250** sponsored by Representative Menahan et al., **House Bill 298** sponsored by Representative McNutt, **House Bill 319** sponsored by Representative McNutt, **House Bill 324** sponsored by Representative MacLaren, **House Bill 337** sponsored by Representative Menahan, **House Bill 338** sponsored by Representative Esp, **House Bill 401** sponsored by Representative Arntzen, **House Bill 403** sponsored by Representative MacLaren, **House Bill 422** sponsored by Representative Hale et al., **House Bill 432** sponsored by Representative Berry, **House Bill 449** sponsored by Representative Blasdel, **House Bill 467** sponsored by Representative Brodehl et al., **House Bill 481** sponsored by Representative Belcourt et al., **House Bill 517** sponsored by Representative McNutt, **House Bill 523** sponsored by Representative Arntzen, and **House Bill 568** sponsored by Representative Wagner on April 7, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

April 7, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 90, **"AN ACT GENERALLY REVISING MONTANA MORTGAGE LAWS; CHANGING THE NAME OF THE MONTANA MORTGAGE BROKER, MORTGAGE LENDER, AND MORTGAGE LOAN ORIGINATOR LICENSING ACT TO THE MONTANA MORTGAGE ACT; REVISING DEFINITIONS; DEFINING AND PROVIDING FOR THE LICENSING AND REGULATION OF MORTGAGE SERVICERS; REVISING THE MONTANA MORTGAGE ACT TO CONFORM TO FEDERAL LAW; REVISING APPLICATION AND LICENSING REQUIREMENTS; REDUCING THE REQUIRED HOURS FOR CONTINUING EDUCATION; REVISING RECORDKEEPING AND REPORTING REQUIREMENTS; REVISING BONDING REQUIREMENTS; REVISING DISCLOSURE REQUIREMENTS; PROHIBITING CERTAIN ACTS BY MORTGAGE LENDERS AND MORTGAGE SERVICERS; EXPANDING THE DEPARTMENT OF ADMINISTRATION'S RULEMAKING AUTHORITY; AMENDING SECTIONS 31-1-202, 32-5-102, 32-7-103, 32-9-101, 32-9-102, 32-9-103, 32-9-104, 32-9-105, 32-9-106, 32-9-107, 32-9-112, 32-9-113, 32-9-116, 32-9-117, 32-9-118, 32-9-120, 32-9-121, 32-9-122, 32-9-123, 32-9-124, 32-9-125, 32-9-126, 32-9-128, 32-9-129, 32-9-130, 32-9-133, 32-9-145, 32-9-148, 32-9-150, 32-9-151, AND 32-9-160, MCA; AND REPEALING SECTIONS 32-9-114 AND 32-9-127, MCA"** for the following reasons.

HB 90, by request of the Department of Administration, generally revises Montana's mortgage laws primarily for purposes of conformity with federal law. The Board of Governors of the Federal Reserve System issued final rules, effective April 5, 2011, regarding mortgage loan originator compensation, and my proposed amendments are intended to conform with those rules. Without these amendments, HB 90 in its current form would conflict with the newly adopted federal rules, the goal of which is to make the loan origination process clearer and easier for consumers to understand. The final rules provide that if a loan originator is compensated by a consumer directly, no other person may pay any compensation to the loan originator for that transaction. Additionally, the final rules prohibit any person from compensating a loan originator directly or indirectly based on the terms or conditions of the loan secured by a dwelling. See 12 C.F.R. 226.36.

Finally, my proposed amendments grant the Department of Administration rulemaking authority to prescribe the form of the written disclosure to the borrower. The Board of Governors of the Federal Reserve has indicated it soon will undertake several more rulemakings to implement the Dodd Frank Wall Street Reform and Consumer Protection Act. Some of the proposed rules have been noticed, but others have not. Granting the Department flexibility to adopt rules consistent with the federal rulemaking changes will provide the flexibility necessary to the mortgage broker industry and to consumers.

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

Representative McNutt, the sponsor of the bill, has indicated he will support the proposed amendments. I thank you in advance for your support, as well.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 90
Report No. 0, April 7, 2011

Governor's recommendations for amendments to **House Bill 90** (reference copy -- salmon) are as follows:

1. Page 28, line 30 through page 29, line 30.

Strike: "containing" on page 28, line 30 through "originator" on page 29, line 30

Insert: "as prescribed by the department by rule"

April 7, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 333, **"AN ACT REQUIRING THE DEPARTMENT OF REVENUE TO INCLUDE SALES OF RESIDENTIAL PROPERTY THAT HAS BEEN SOLD BECAUSE OF NONPAYMENT OF MORTGAGE WHEN USING THE COMPARABLE SALES METHOD OF DETERMINING MARKET VALUE OF RESIDENTIAL PROPERTY; ESTABLISHING REQUIREMENTS FOR INCLUDING THE SALES IN THE COMPARABLE SALES METHOD; AMENDING SECTIONS 15-7-307 AND 15-8-111, MCA; AND PROVIDING AN APPLICABILITY DATE"** for the following reasons.

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

HB 333 creates a new definition of the term "market value" by requiring the Department of Revenue to consider foreclosure sales, "short sales," and other distressed real estate transactions in its appraisals of the value of residential property. I agree that distressed sales should be accorded some weight, and, in fact, industry standards require consideration of such sales. However, those industry standards, promulgated by the International Association of Assessing Officers, require consideration of distressed sales in market-wide residential property reappraisal when such sales comprise at least 20% of sales. HB 333, as delivered to me, triggers consideration of distressed sales when such sales constitute 5% of the market. This low threshold for the consideration of distressed sales does not conform with industry standards, which are developed to ensure fairness, equity, and integrity of mass appraisal valuations of property, such as those performed by a state government conducting large-scale property valuations.

I respectfully ask the Legislature to give favorable consideration to my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 333
Report No. 0, April 1, 2011

Governor's recommendations for amendments to **House Bill 333** (reference copy -- salmon) are as follows:

1. Page 2, line 26.

Strike: "INCLUDE"

Insert: "consider"

2. Page 2, line 27.

Following: "SALES IN THE"

Insert: "market analysis for the"

3. Page 2, line 28.

Strike: "5%"

Insert: "20%"

April 7, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 559, **"AN ACT PROVIDING THAT SMALL AND SEASONAL ESTABLISHMENTS SUCH AS GUEST RANCHES AND OUTFITTING AND GUIDE FACILITIES ARE SUBJECT TO VOLUNTARY GUIDELINES ADDRESSING BASIC HEALTH STANDARDS RATHER THAN REGULATIONS; CLARIFYING THE METHOD OF ESTABLISHING THE AVERAGE NUMBER OF GUESTS PER DAY FOR SEASONAL AND SMALL ESTABLISHMENTS; AND AMENDING SECTIONS 50-51-101, 50-51-102, 50-51-103, 50-51-201, AND 50-51-401, MCA"** for the following reasons.

HB 559 eliminates the Department of Public Health and Human Services (DPHHS') rulemaking authority with respect to basic health standards applicable to small and seasonal guest ranches and, instead, authorizes DPHHS to adopt voluntary guidelines for these facilities. The bill was a result of the difficulty that has existed in establishing a statewide program providing uniform regulation of small and seasonal guest ranches.

I am concerned, however, that rather than trying to resolve some of the difficulties in establishing rules under current law, the solution found in HB 559 is to direct that the state's basic public health standards applicable to these entities be voluntary "guidelines," only.

My proposed amendment makes it clear that, even if HB 559 becomes law and DPHHS adopts voluntary "guidelines," local governments retain the power to adopt enforceable ordinances, or laws, establishing public health standards applicable to small and seasonal establishments. I understand there has been some confusion among local governments as to their authority, and my amendment is intended to eliminate the confusion. My amendment also makes clear that under current law, where DPHHS adopts administrative rules (not ordinances) governing other public accommodations, such as, for example, hotels, motels, and bed and breakfasts, a local government may adopt an ordinance so long as the ordinance is the same or more stringent than the rule adopted by DPHHS. Again, these amendments affirm what is already the law in Title 7 of the Montana Code Annotated concerning the powers of local governments.

I respectfully ask the Legislature to give favorable consideration to my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 559
Report No. 0, April 7, 2011

Governor's recommendations for amendments to **House Bill 559** (reference copy -- salmon) are as follows:

1. Title, line 8.

Following: "ESTABLISHMENTS;"

Insert: "CLARIFYING THAT LOCAL GOVERNMENTS MAY ADOPT ORDINANCES ADDRESSING BASIC HEALTH STANDARDS;"

2. Page 4, line 25.

Following: "~~establishment~~."

Insert: "(6) As provided in 7-1-113, nothing in this section prohibits a local government from adopting an ordinance that:

(a) is the same as or more stringent than rules adopted by the department under this section; or

(b) differs from the voluntary guidelines adopted by the department under this section."

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 36, introduced by Warburton, referred to Judiciary.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 22, introduced by Priest, referred to Natural Resources.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollandsworth in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 315 - Representative McGillvray moved consideration of **SB 315** be passed for the day. Motion carried.

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

SB 299 - Representative Flynn moved **SB 299** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Pease-Lopez, F. Smith.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 295 - Representative Taylor moved **SB 295** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

SB 409 - Representative G. Bennett moved **SB 409** be concurred in.

SB 409 - Representative McGillvray moved for cloture. Without objection, so ordered.

SB 409 - Representative G. Bennett moved **SB 409** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, Malek, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 75

Nays: Belcourt, Boland, Court, Driscoll, Hiner, Hollenbaugh, Knudsen, MacDonald, McChesney, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Peterson, Phillips, Price, Sands, Schmidt, Sesso, Stahl, Swanson, Williams, Wilmer, Yates.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 331 - Representative Berry moved **SB 331** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

Nays: Blyton, Edmunds, Evans, Fitzpatrick, Kennedy, Kerns, Knox, McGillvray, Miller, Randall, Skattum, Skees, Wagner.

Total 13

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 371 - Representative Knudsen moved **SB 371** be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McChesney, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 62

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Burnett, Court, Driscoll, Evans, Furey, Gibson, Hands, Hill, Hollenbaugh, Hunter, Loney, MacDonald, Malek, McClafferty, McGillvray, McNally, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 372 - Representative Blasdel moved **SB 372** be concurred in.

SB 372 - Representative Blasdel moved **SB 372**, second reading copy, be amended as follows:

1. Page 17.

Following: line 4

Insert: "(c) The amounts determined under this subsection (2) are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to local governments under 15-1-121(6)."

2. Page 17, line 20.

Following: "15-1-121(8)"

Insert: "(b)"

3. Page 17.

Following: line 28

Insert: "(c) The amounts determined under this subsection (4) are statutorily appropriated, as

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

provided in 17-7-502, from the general fund to the department for distribution to tax increment financing districts under 15-1-121(8).

"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 96

Nays: McClafferty, Wagner.

Total 2

Excused: None.

Total 0

Absent or not voting: Hollandsworth, Mr. Speaker.

Total 2

Representative Miller rose on a point of personal privilege to correct a monetary figure he had given earlier.

SB 372 - Representative Blasdel moved **SB 372**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 69

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan,

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 327 - Governor's Amendments - Representative McClafferty moved Governor's amendments to **HB 327** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 87

Nays: Ankney, Hands, Hollenbaugh, Hunter, MacDonald, Malek, Mehlhoff, Menahan, Pease-Lopez, Phillips, Small, Swanson, Wilmer.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 642 - Representative Blasdel moved **HB 642** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 74

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hoven, Hunter, MacDonald, Malek, McClafferty, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Stahl, Taylor, Wilmer.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 11 - Representative Milburn moved **SJR 11** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 215 - Representative Sesso moved **SB 215** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Furey, Gibson, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 70

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

Nays: Bangerter, G. Bennett, Brodehl, Burnett, Clark, Esp, Evans, Flynn, Greef, Hale, Hands, Harris, Hendrick, Howard, Hunter, Kary, Kennedy, Kerns, Knox, McGillvray, McNiven, O'Neil, Osmundson, Peterson, Reichner, Sands, Schmidt, Skattum, C. Smith.

Total 29

Excused: None.

Total 0

Absent or not voting: Ankney.

Total 1

HB 483 - Senate Amendments - Representative Howard moved Senate amendments to **HB 483** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollandsworth moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor,

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 70

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 29

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Representative McGillvray moved **SB 295** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **SB 409** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **SB 371** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **SB 372** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **SB 187** be moved from the Committee of the Whole to the Appropriations committee.

Representative McGillvray moved **SB 423** be moved from the Committee of the Whole to the Appropriations committee.

Representative McGillvray moved to appoint a Conference Committee on **HB 132** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/7/2011

Representative Hoven
Representative McNally
Representative Taylor

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 7, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

MOTIONS

Representative McGillvray moved **SB 253** be moved from the Committee of the Whole to the Appropriations committee.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Friday, April 8, 2011.
Motion carried.

House adjourned at 3:12 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
SEVENTY-NINTH LEGISLATIVE DAY**

Helena, Montana
April 8, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Taylor. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Howard and Pease-Lopez, excused. Quorum present.

BILLS (O'Hara, Chairman): 4/8/2011

Correctly engrossed: **SB 214, SB 265, SB 411, SB 417, SB 426, SB 429.**

Correctly printed: **HJR 13, HJR 24, HJR 31, HJR 32, SB 187, SB 371, SB 406, SB 409, SB 412, SB 420, SB 423.**

Correctly enrolled: **HB 166, HB 196, HB 277, HB 291, HB 315, HB 533, HB 538, HB 548, HB 602.**

Examined by the sponsor and found to be correct: **HB 3, HB 15, HB 166, HB 196, HB 277, HB 291, HB 533, HB 538, HB 548, HB 602.**

Signed by the Speaker at 10:00 a.m., April 8, 2011: **HB 12, HB 69, HB 107, HB 125, HB 216, HB 295, HB 310, HB 336, HB 469, HB 522, HB 541, HB 552, HB 584.**

Signed by the Chief Clerk of the House at 9:30 a.m., April 8, 2011: **HB 12, HB 69, HB 107, HB 125, HB 216, HB 295, HB 310, HB 336, HB 469, HB 522, HB 541, HB 552, HB 584.**

Delivered to the Governor for approval at 8:25 a.m., April 8, 2011: **HB 59, HB 61, HB 95, HB 103, HB 178, HB 191, HB 213, HB 251, HB 288, HB 300, HB 352, HB 380, HB 529, HB 535.**

Delivered to the Governor for approval at 1:38 p.m., April 8, 2011: **HB 307.**

Representative Regier thanked the pages.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman): 4/8/2011

SB 187, be concurred in. Report adopted.

SB 371, be concurred in. Report adopted.

SB 409, be concurred in. Report adopted.

SB 423, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman): 4/7/2011

HJR 32, do pass. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman): 4/7/2011

SB 417, be amended as follows:

1. Page 2, line 5.

Following: "(3)"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

Insert: "(a)"

Following: "means"

Strike: "the"

Following: "land"

Strike: "and" through "area"

2. Page 2, line 6.

Strike: "or an area used for military purposes"

Following: "that"

Insert: "is directly affected or that"

Following: "will be"

Insert: "directly"

3. Page 2.

Following: line 7

Insert: "(b) The term does not mean an area over which military aircraft operate when no other components of military facilities or military uses exist."

4. Page 3.

Following: line 1

Insert: "(5) A governing body may not designate land that is more than 1,200 feet from a launch control center or missile location as part of a military affected area."

5. Page 3, line 11.

Strike: "and"

6. Page 3, line 14.

Following: "recommendations"

Insert: "; and

(f) existing and potential future uses of the land proposed to be included in a military affected area"

7. Page 3, line 15.

Following: "regulations"

Insert: "must be limited to addressing current and known future military uses and"

Following: "may"

Insert: "be adopted only to"

8. Page 4, line 16 through line 19.

Following: "continue" on line 16

Strike: ", " on line 16 through "destroyed" on line 19

9. Page 4.

Following: line 19

Insert: "(2) A nonconforming structure or use that is destroyed or substantially damaged by fire,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

flood, or other natural disaster may not be restored as a nonconforming structure or use unless a variance is issued by the appeals board provided for in [section 10] or unless the restoration occurs within 24 months of the damage having occurred and the resulting structure or use occupies the same physical footprint and is used for the same purpose as the original nonconforming structure or use. A nonconforming structure or use is considered to be substantially damaged when 80% or more of a structure is damaged or destroyed."

Renumber: subsequent subsection

10. Page 4, line 26.

Strike: ", repairing,"

11. Page 5, lines 26 and 27.

Following: "contrary to" on line 26

Strike: "the" on line 26 through "public interest" on line 27

Insert: "military missions"

And, as amended, be concurred in. Report adopted.

SB 420, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 2**
Report No. 1, April 8, 2011

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 2** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 2** (reference copy -- salmon) be amended as follows:

1. Page A-1, line 19.

Following: "AND"

Strike: "\$8,877"

Insert: "\$8,840"

2. Page A-9.

Following: line 17

Insert: "455,000 455,000" [general fund FY 2012 and FY 2013]

3. Page B-1, line 9.

Strike: "29,395,052 29,118,420" [general fund FY 12 and FY 13]

Insert: "29,400,741 29,124,109" [general fund FY 12 and FY 13]

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

Strike: " 2,276,504 2,275,518" [state special fund FY 12 and FY 13]

Insert: " 2,278,667 2,277,681" [state special fund FY 12 and FY 13]

4. Page B-1, line 10.

Strike: "223,665,786 222,555,644" [federal special fund FY 12
and FY 13]

Insert: "223,682,070 222,571,928" [federal special fund FY 12
and FY 13]

5. Page B-1, line 20.

Strike: "31,857,539 33,444,233" [general fund FY 12 and FY 13]

Insert: "31,873,779 33,460,473" [general fund FY 12 and FY 13]

Strike: "26,545,289 27,402,292" [federal special fund FY 12
and FY 13]

Insert: "26,550,974 27,407,977" [federal special fund FY 12
and FY 13]

6. Page B-2, line 11.

Following: "STIPENDS TO"

Strike: "REGULAR FOSTER" through "FAMILIES" on line 12

Insert: "families who provide regular foster care in a youth foster home and kinship families who
provide regular foster care in a kinship foster home"

7. Page B-4, line 9.

Strike: "73,724,653 75,174,917" [general fund FY 12 and FY 13]

Insert: "73,956,561 75,408,214" [general fund FY 12 and FY 13]

8. Page B-4, line 14.

Strike: "66,513,741 67,532,499" [state special fund FY12 & FY13]

Insert: "67,383,145 68,322,968" [state special fund FY12 & FY13]

Strike: "415,749,085 443,087,924" [federal special fund FY12 & FY13]

Insert: "417,451,121 444,604,720" [federal special fund FY12 & FY13]

9. Page B-4, line 17.

Strike: "14,232,744 13,381,377 " [federal special fund FY12 & FY13]

Insert: "19,874,759 20,433,896" [federal special fund FY12 & FY13]

10. Page B-5, line 4.

Strike: "27,670,974 27,444,949" [state special fund FY 12 FY 13]

Insert: "28,518,813 28,311,258" [state special fund FY 12 FY 13]

Strike: "160,421,396 160,163,011" [federal special fund FY 12 FY 13]

Insert: "158,860,132 158,605,217" [federal special fund FY 12 FY 13]

11. Page B-5, line 17.

Strike: "62,344,378 62,814,384" [general fund FY 12 and FY 13]

Insert: "62,845,099 63,316,558" [general fund FY 12 and FY 13]

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

12. Page B-6.

Strike: line 3 through line 4 in their entirety

13. Page B-6, line 13.

Following: "OF"

Strike: "A BILL ALLOWING THE TRANSFER OF REVENUES"

Insert: "Senate Bill No. 424 in a form that transfers revenue to the general fund"

Strike: "MONTANA"

Insert: "Montanans"

Following: "FUND"

Insert: "provided for in 52-3-115"

14. Page B-6, following line 24.

Insert: "Direct Care Provider Rate Increase may be used only to raise provider rates for medicaid services to allow for wage increases or lump-sum payments to workers who provide direct care and ancillary services."

15. Page C-3, line 18.

Following: "NO."

Strike: "610"

Insert: "370"

16. Page C-3, line 23.

Following: "If"

Strike: "LC"

Following: "862"

Strike: "411"

Insert: "House Bill No. 619"

17. Page C-12, line 7.

Strike: "\$1,893,487"

Insert: "\$1,543,487"

18. Page C-12, line 8.

Following: "AND"

Strike: "\$1,893,487"

Insert: "\$1,543,487"

Following: "DECREASED BY"

Strike: "\$1,893,487"

Insert: "\$1,543,487"

Following: "AND BY"

Strike: "\$1,893,487"

Insert: "\$1,543,487"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

19. Page D-6, line 18.

Strike: "73,435,468 73,488,148" [general fund FY 2012 and FY 2013]

Insert: "73,535,468 73,588,148" [general fund FY 2012 and FY 2013]

20. Page D-7, line 17.

Following: "includes"

Strike: "\$6,133,625"

Insert: "\$6,119,145"

Following: "and"

Strike: "\$6,120,961"

Insert: "\$6,106,542"

21. Page D-7, line 22.

Following: "of"

Strike: "\$14,793,778"

Insert: "\$14,712,670"

Following: "and"

Strike: "\$14,796,967"

Insert: "\$14,716,201"

22. Page D-7, line 24.

Following: "includes"

Strike: "\$37,156,156"

Insert: "\$36,988,761"

Following: "and"

Strike: "\$37,168,034"

Insert: "\$37,001,343"

23. Page D-8, line 6.

Following: "of"

Strike: "\$640,085"

Insert: "\$637,329"

Following: "and"

Strike: "\$639,025"

Insert: "\$636,281"

24. Page D-8, line 9.

Following: "of"

Strike: "\$10,526,138"

Insert: "\$10,475,405"

Following: "and"

Strike: "\$10,532,826"

Insert: "\$10,482,306"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

25. Page E-1, line 10.

Strike: "Teacher Data Module"

Insert: "District Education Profiles"

26. Page E-1, line 16.

Strike: "480,074,235 540,078,580" [general fund FY12 and FY13]

Insert: "492,262,212 520,021,232" [general fund FY12 and FY13]

27. Page E-2, line 4.

Strike: "51,546,927 51,546,927" [general fund FY12 and FY13]

Insert: "52,150,510 52,150,510" [general fund FY12 and FY13]

28. Page E-2, line 8.

Strike: "155,895 155,898" [general fund FY 12 and FY13]

Insert: "128,957 128,960" [general fund FY 12 and FY13]

29. Page E-2.

Strike: line 11 through line 13 in their entirety

Renumber: subsequent subsections

30. Page E-2, line 15.

Strike: "44,900,000 45,900,000" [State special fund FY12 and FY13]

Insert: "104,951,000 76,811,000" [state special fund FY12 and FY13]

31. Page E-3.

Strike: line 1 through line 2 in their entirety

Renumber: subsequent subsections

32. Page E-3, line 3.

Strike: "AND FUND SWITCH"

33. Page E-3, line 4.

Strike: "20,064,547 28,778,088" [State special fund FY12 and FY13]

Insert: "10,458,688 19,011,457" [state special fund FY12 and FY13]

34. Page E-3, line 17.

Strike: "Teacher Data Module"

Insert: "District Education Profiles"

Strike: "SENATE BILL NO. 403 IN A FORM"

Insert: "a bill "

35. Page E-3, line 18.

Strike: "PATHWAY TO EXCELLENCE"

Insert: "District Education Profiles online reporting "

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

36. Page E-3, line 23.

Strike: "SENATE BILL NO. 403"

Insert: "a bill that eliminates the growth in HB 124 block grants"

Strike: "\$1,089,927"

Insert: "\$396,344"

Strike: "\$1,489,283"

Insert: "\$795,700"

37. Page E-3, line 25.

Strike: "BASE Aid Fund Switch"

Insert: "Guarantee Account"

Strike: "and House Bill No. 42"

38. Page E-4, line 1.

Strike: "\$28"

Insert: "\$25"

Strike: "SENATE BILL NO. 403"

Insert: "a bill"

39. Page E-4.

Strike: line 3 through line 4 in their entirety

40. Page E-4, line 10.

Strike: "4,288,763"

41. Page E-5, line 21.

Strike: "3,649,203 3,652,294" [general fund FY 12 and FY 13]

Insert: "3,676,141 3,679,232" [general fund FY 12 and FY 13]

For the House:

McNutt, Chair

Esp

For the Senate:

Lewis, Vice Chair

Ripley

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

4/7/2011

HB 3, introduced by Mehlhoff

HB 15, introduced by Schmidt

HB 533, introduced by Berry

Governor's amendments to **House bill not** concurred in and returned to the House: 4/7/2011

HB 307, introduced by Burnett

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HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

4/7/2011

HB 7, introduced by Belcourt

House amendments to Senate bills NOT concurred in:

4/7/2011

SB 126, introduced by Larsen

SB 338, introduced by Arthun

House amendments to Senate bills concurred in:

4/7/2011

SB 1, introduced by Tutvedt

SB 15, introduced by Jent

SB 42, introduced by Shockley

SB 347, introduced by Lake

MESSAGES FROM THE GOVERNOR

April 7, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 531, "**AN ACT REVISING THE CIVIL LIABILITY PROVISIONS FOR MULTIPLE DEFENDANTS; CLARIFYING THE PROCESS FOR MULTIPLE DEFENDANTS IN AN ACTION FOR NEGLIGENCE FOLLOWING THE SETTLEMENT OR RELEASE FROM LIABILITY OF A PERSON; AMENDING SECTION 27-1-703, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

My objections to HB 531 are two-fold. The bill takes an already complicated statute, Mont. Code Ann. § 27-1-703, governing the apportionment of damages in civil tort actions involving multiple defendants and makes it far more complicated. I suspect that the existing statute, itself, is understood by only a few judges and civil trial lawyers -- plaintiff and defendant. This statute has undergone many conversions and been amended heavily over the years. The prior

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

version of this statute was challenged successfully on constitutional grounds, but the current version has been in effect since 1997. I do not believe there is any reason to amend the statute now.

Additionally, I fundamentally disagree with the precepts underlying HB 531, as expressed in the "preamble" to the bill, or the "whereas" clauses. First, the "whereas" clauses state that the bill's intent is to address the high cost of health insurance in this country. The bill, however, addresses all tort litigation, only a small amount of which is medical malpractice litigation. Second, the "whereas" clauses attach blame and responsibility for our country's health care problems and health care provider shortages on our nation's legal system. I believe those remarks are unfair and inflammatory.

For these reasons, I respectfully ask you to sustain my veto of the bill.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 37, introduced by Warburton, Stahl, referred to Fish, Wildlife and Parks.

HJR 38, introduced by Hansen, referred to Local Government.

HJR 39, introduced by MacLaren, referred to Local Government.

The following House resolution was introduced, read first time, and referred to committee:

HR 3, introduced by Milburn, referred to Business and Labor.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 91 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: Howard, Pease-Lopez.

Total 2

Absent or not voting: Hoven.

Total 1

HB 100 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 73

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, Hunter, Malek, McClafferty, Mehlhoff, Menahan, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams.

Total 25

Excused: Howard, Pease-Lopez.

Total 2

Absent or not voting: None.

Total 0

HB 279 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Kerns, McGillvray, Skattum.

Total 3

Excused: Howard, Pease-Lopez.

Total 2

Absent or not voting: None.

Total 0

HB 341 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 72

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, Menahan, Noonan, O'Neil, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Swanson, Wilmer.

Total 26

Excused: Howard, Pease-Lopez.

Total 2

Absent or not voting: None.

Total 0

HB 483 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Miller, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: Howard, Pease-Lopez.

Total 2

Absent or not voting: None.

Total 0

HB 642 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 70

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Evans, Furey, Hands, Hill, Hoven, Hunter, MacDonald, Malek, McClafferty, Noonan, O'Neil, Phillips, Price, Reinhart, Sands, Schmidt, Squires, Stahl, Swanson, Taylor, Williams, Wilmer.

Total 27

Excused: Howard, Pease-Lopez.

Total 2

Absent or not voting: Knudsen.

Total 1

SB 215 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Phillips, Price, Randall, Read, Regier, Reichner,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

Reinhart, Rosendale, Salomon, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 70

Nays: Bangerter, G. Bennett, Brodehl, Burnett, Esp, Flynn, Greef, Hale, Hands, Harris, Hendrick, Hunter, Kary, Kennedy, Kerns, Knox, McGillvray, McNiven, O'Neil, Osmundson, Peterson, Roberts, Sands, Schmidt, Skattum, Skees, C. Smith, Welborn.
Total 28

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

SB 296 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Peterson, Phillips, Price, Randall, Read, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Williams, Wilmer, Mr. Speaker.
Total 72

Nays: G. Bennett, Blasdel, Brodehl, Edmunds, Greef, Hale, Hansen, Harris, Hendrick, Kennedy, Kerns, Knox, Miller, More, O'Neil, Regier, Reichner, Sands, Skattum, Skees, C. Smith, Taylor, Wagner, Warburton, Welborn, Yates.
Total 26

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

SB 299 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: None.
Total 0

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

SB 331 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 80

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Cuffe, Edmunds, Fitzpatrick, Hale, Hendrick, Kennedy, Kerns, Knox, McGillvray, Miller, More, Randall, Skattum, Skees.
Total 18

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

SB 333 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: None.
Total 0

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

SB 376 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 72

Nays: G. Bennett, Blasdel, Brodehl, Cuffe, Edmunds, Greef, Hale, Hansen, Kary, Kennedy, Kerns, Knox, Lavin, McGillvray, O'Neil, Randall, Read, Regier, Salomon, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Welborn.
Total 26

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

SB 382 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Howard, Pease-Lopez.

Total 2

Absent or not voting: None.

Total 0

SB 402 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Barrett, Hands, Malek, McClafferty, Sands, F. Smith.

Total 6

Excused: Howard, Pease-Lopez.

Total 2

Absent or not voting: None.

Total 0

SB 410 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNally,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Salomon, Skattum, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 69

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, MacDonald, Malek, McChesney, McClafferty, Mehlhoff, Menahan, Noonan, Phillips, Price, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Wilmer.

Total 29

Excused: Howard, Pease-Lopez.

Total 2

Absent or not voting: None.

Total 0

SB 413 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Read.

Total 1

Excused: Howard, Pease-Lopez.

Total 2

Absent or not voting: None.

Total 0

SJR 11 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hollandsworth, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 59

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Esp, Furey, Hands, Harris, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer, Yates.
Total 39

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ankney in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 8 - Representative Hunter moved **HJR 8** be adopted.

HJR 8 - Representative Kennedy moved **HJR 8**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

Strike: "ALL"

Insert: "LOW-INCOME"

2. Page 1, line 28.

Following: "Montana children"

Insert: "who are at or below 130% of the federal poverty level"

3. Page 1, line 29.

Following: "foods for"

Insert: "those"

4. Page 2, line 2.

Following: "private programs"

Insert: "that serve children or families who are at or below 130% of the federal poverty level and"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

5. Page 2, line 5.

Following: "existing programs"

Insert: "that serve children or families who are at or below 130% of the federal poverty level"

6. Page 2, line 6.

Following: "the state"

Insert: "who are at or below 130% of the federal poverty level"

7. Page 2, line 9.

Following: "services"

Insert: "for children who are at or below 130% of the federal poverty level"

8. Page 2, line 15.

Following: "children"

Insert: "who are at or below 130% of the federal poverty level"

9. Page 2, line 28.

Following: "low-income children"

Insert: "who are at or below 130% of the federal poverty level"

Amendment **not** adopted as follows:

Yeas: Arntzen, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Fitzpatrick, Flynn, Greef, Hale, Hendrick, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Regier, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 46

Nays: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Clark, Court, Driscoll, Ehli, Esp, Evans, Furey, Gibson, Hands, Hansen, Harris, Hill, Hiner, Hollenbaugh, Hunter, Ingraham, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

HJR 8 - Representative Hunter moved **HJR 8** be adopted. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Mr. Speaker.
Total 60

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, More, O'Neil, Osmundson, Peterson, Randall, Regier, Rosendale, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Yates.
Total 40

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 81 - Representative Rosendale moved **SB 81** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates.
Total 75

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Edmunds, Esp, Flynn, Hale, Hendrick, Kennedy, Kerns, Knox, Knudsen, Loney, Miller, O'Neil, Randall, Read, Skattum, Skees, C. Smith, Welborn.
Total 22

Excused: None.
Total 0

Absent or not voting: Berry, Reichner, Mr. Speaker.
Total 3

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

SB 207 - Representative Clark moved **SB 207** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Salomon, Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 75

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, MacDonald, Malek, McClafferty, Mehlhoff, Menahan, Pease-Lopez, Phillips, Price, Reinhart, Rosendale, Sands, Schmidt, Sesso, F. Smith, Swanson, Williams, Wilmer.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 283 - Representative Esp moved **SB 283** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Malek.

Total 1

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

SB 379 - Representative Lavin moved **SB 379** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 69

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 421 - Representative Driscoll moved **SB 421** be concurred in. Motion **failed** as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Ingraham, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 41

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 59

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

SB 329 - Representative McGillvray moved consideration of **SB 329** be passed for the day.
Motion carried.

SB 343 - Representative McGillvray moved consideration of **SB 343** be placed at the top of the second reading board. Motion carried.

SB 343 - Representative Taylor moved **SB 343** be concurred in.

Representative McNutt assumed the chair.

SB 343 -Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Cook, Court, Edmunds, Evans, Fitzpatrick, Flynn, Furey, Hands, Hansen, Harris, Hendrick, Hill, Hoven, Howard, Ingraham, Kennedy, Klock, Knudsen, Lavin, Loney, McGillvray, Miller, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Salomon, Sands, Skees, C. Smith, F. Smith, Taylor, Vance, Warburton, Washburn, Williams, Mr. Speaker.
Total 54

Nays: Ankney, Belcourt, Boland, Burnett, Connell, Cuffe, Driscoll, Ehli, Esp, Gibson, Greef, Hale, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kary, Kerns, Knox, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, Price, Reinhart, Roberts, Rosendale, Schmidt, Sesso, Skattum, Small, Squires, Stahl, Swanson, Wagner, Welborn, Wilmer, Yates.
Total 46

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 233 - Representative Klock moved **SB 233** be concurred in.

Representative Ankney reassumed the chair.

Representative McNutt moved for cloture. Motion carried.

SB 233 - Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 76

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, Menahan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Williams, Wilmer.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 319 - Representative Lavin moved **SB 319** be concurred in.

Representative Sands stood on a point of personal privilege to state that she was offended by the Representative from Columbia Falls' comments. She stated that this bill as not an assessment of Montana's women it was about child safety; and that his assessment of Montana's women was not appropriate for the conversation.

SB 319 - Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 74

Nays: Arntzen, G. Bennett, Blasdel, Burnett, Edmunds, Ehli, Hale, Kennedy, Kerns, Knox, Knudsen, Miller, More, O'Neil, Osmundson, Randall, Regier, Rosendale, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn.

Total 25

Excused: None.

Total 0

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

Absent or not voting: Malek.

Total 1

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Ankney moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 76

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hill, Hollenbaugh, McClafferty, McNally, Menahan, Price, Reinhart, Schmidt, Squires, Williams.

Total 15

Excused: Evans, Howard, Pease-Lopez.

Total 3

Absent or not voting: Connell, Driscoll, Knox, Reichner, Small, Swanson.

Total 6

REPORTS OF STANDING COMMITTEES

TAXATION (Blasdel, Chairman):

4/8/2011

HJR 13, do pass. Report adopted.

HJR 24, do pass. Report adopted.

HJR 31, do pass. Report adopted.

SB 214, be amended as follows:

1. Page 1, line 18.

Following: "(2)"

Insert: "(a)"

Strike: "When"

Insert: "Except as provided in subsection (2)(b), when"

2. Page 1, line 20.

Following: "20-9-353"

Insert: ". (b)"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

Strike: ", except when a"

Insert: "The trustees are not required to submit a proposition to the electors if the"

3. Page 2, line 11.

Following: "(2)"

Insert: "(a)"

Strike: "When"

Insert: "Except as provided in subsection (2)(b), when"

4. Page 2, line 13.

Following: "15-10-425"

Insert: ". (b)"

Strike: ", except when a"

Insert: "The trustees are not required to submit a proposition to the electors if the"

And, as amended, be concurred in. Report adopted.

SB 265, be amended as follows:

1. Title, page 1, line 5.

Following: "AND"

Insert: "RESIDENTIAL GRAY WATER SYSTEMS AND"

2. Page 1, line 13.

Strike: "3"

Insert: "4"

3. Page 2.

Following: line 18

Insert: "NEW SECTION. Section 2. Gray water system for newly constructed residence -- tax abatement. (1) A residential dwelling that is under construction or that is newly constructed with a residential gray water system is taxed at 91% of its taxable market value during the course of the construction and for 10 years after completion of construction as provided in this section.

(2) To receive a tax abatement under this section, a taxpayer shall apply, on a form provided by the department, to the department on or before April 15 of the year for which the first abatement is claimed for property under construction and for the first year of the completion of construction but not later than 1 year after the completion of the construction. The claimant shall provide a certification from the local board of health pursuant to 50-2-116 that the residential dwelling is under construction or was constructed with a gray water system that meets the requirements of this section. The department may require other information that it considers necessary to determine the eligibility of the residential dwelling for a property tax abatement.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

(3) An abatement granted under this section remains in effect through the 10th year following the year construction was completed."

Renumber: subsequent sections

4. Page 2, line 24.

Following: "apply"

Insert: ", on a form provided by the department,"

5. Page 3, line 8.

Following: "3"

Insert: "or 3"

6. Page 2, line 9.

Following: "or"

Insert: "gray water system under [section 2] or"

7. Page 2, line 10.

Strike: "2"

Insert: "3"

8. Page 2, line 11.

Following: "3"

Insert: "or 3"

9. Page 2, line 14.

Strike: "3"

Insert: "4"

10. Page 2, line 16.

Strike: "3"

Insert: "4"

11. Page 2, line 20.

Following: "and"

Insert: "residential dwellings and"

And, as amended, be concurred in. Report adopted.

SB 406, be concurred in. Report adopted.

SB 411, be amended as follows:

1. Page 1, line 27.

Following: "(1)"

Strike: "A"

Insert: "(a) Subject to subsection (1)(b), a"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

2. Page 2, line 1.

Strike: "but not less than \$50"

3. Page 2.

Following: line 4

Insert: "(b) A penalty imposed under subsection (1)(a) must be reduced by the amount of the penalty imposed under subsection (2)(a) or (2)(b)."

4. Page 2, line 5.

Strike: "subsection"

Insert: "subsections"

Following: "(2)(b)"

Insert: "and (2)(d)"

5. Page 2, line 8.

Strike: "A"

Insert: "Except as provided in subsection (2)(d), a"

6. Page 2.

Following: line 12

Insert: "(d) A penalty may not be imposed under subsection (2)(a) or (2)(b) on the amount of unpaid tax if the taxpayer demonstrates there is reasonable cause for the unpaid amount and the taxpayer acted in good faith with respect to the unpaid amount."

7. Page 2, line 13.

Strike: "(d) A"

Insert: "(3)(a) Subject to subsection (3)(b), a"

8. Page 2, line 15.

Strike: "(2)(d)"

Insert: "(3)"

9. Page 2, line 16.

Strike: "(2)(d)"

Insert: "(3)"

10. Page 2.

Following: line 23

Insert: "(b) The amount of substantial understatement must be reduced by the amount of the understatement that is attributable to:

(i) the tax treatment of any item by the taxpayer if there is or was substantial authority for the treatment; or

(ii) any item if the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or in a statement attached to the return and there is a reasonable basis for the tax treatment of the item by the taxpayer."

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

11. Page 2, line 24.

Strike: "(3)"

Insert: "(4)"

Renumber: subsequent subsections

12. Page 3, line 9.

Strike: "(6)(A)(I)"

Insert: "(7)(a)(i)"

13. Page 3, line 10.

Strike: "(6)(A)"

Insert: "(7)(a)"

14. Page 3, line 21.

Strike: "(7)(B)"

Insert: "(8)(b)"

15. Page 4, line 3.

Strike: "(6)(A)(I)"

Insert: "(7)(a)(i)"

Strike: "(7)(A)"

Insert: "(8)(a)"

And, as amended, be concurred in. Report adopted.

SB 412, be concurred in. Report adopted.

SB 426, be amended as follows:

1. Title, page 1, line 4.

Following: "ACT"

Insert: "CREATING THE TREASURE STATE TAXPAYER DIVIDEND PROGRAM;"

2. Title, page 1, line 5.

Strike: "REVENUE"

Insert: "FUND BALANCE"

3. Title, page 1, line 6.

Following: "AMOUNTS OF"

Insert: "ALL"

4. Page 1, line 13.

Strike: "state revenue"

Insert: "fund balance"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

5. Page 1, line 15.

Strike: "revenue received"

Insert: "balance"

6. Page 1, line 16.

Strike: "revenue"

Insert: "balance"

7. Page 1, line 19 through 21.

Strike: "revenue received" on line 19

Insert: "balance"

Strike: "106%" on line 19

Insert: "125%"

Following: the second "fund" on line 19

Insert: "balance"

Strike: ", " at end of line 19 through "reversions" on line 21

Following: "year]." on line 21

Insert: "Tax credits are not allowed under this section unless the excess balance is at least \$5 million."

8. Page 1, line 22.

Strike: "106%"

Insert: "125%"

9. Page 1, line 27.

Strike: "divide"

Insert: "determine the percentage by dividing"

10. Page 1, line 28.

Strike: "revenue"

Insert: "balance"

11. Page 1, line 29.

Following: "collections"

Insert: "from Montana residents"

12. Page 1, line 30.

Strike: "revenue"

Insert: "balance"

13. Page 2, line 1.

Strike: "that is a percentage"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

14. Page 2, line 2.

Strike: "percentage"

Insert: "amount"

15. Page 2, line 3.

Strike: "divide the property tax share of available excess revenue"

Insert: "multiply the percentage determined in subsection (2)(a)"

16. Page 2, line 6.

Strike: "revenue"

Insert: "balance"

17. Page 2, line 7.

Strike: "that is a percentage of the amount the"

Insert: "each"

18. Page 2, line 8.

Strike: "percentage"

Insert: "amount"

19. Page 2, line 9.

Strike: "divide the income tax share of available excess revenue"

Insert: "multiply the percentage determined in subsection (2)(a)"

20. Page 2, line 22.

Insert: "(8) This section may be cited as the "Treasure State Taxpayer Dividend Program"."

21. Page 3, line 5.

Strike: "revenue"

Insert: "general fund balance"

22. Page 3, line 7.

Strike: "revenue"

Insert: "general fund balance"

And, as amended, be concurred in. Report adopted.

SB 429, be amended as follows:

1. Title, page 1, line 5.

Strike: "AUTHORIZING A REINSTATEMENT FEE;"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

2. Title, page 1, line 6.

Strike: "AN IMMEDIATE"

Strike: "DATE"

Insert: "DATES AND A TERMINATION DATE"

3. Page 1, line 28 through line 29.

Strike: subsection (4) in its entirety

4. Page 1.

Following: line 29

Insert: " Section 2. Section 35-8-912, MCA, is amended to read:

"35-8-912. Reinstatement following administrative dissolution. (1) A limited liability company administratively dissolved under the provisions of 35-8-209 may apply to the secretary of state for reinstatement within 5 years after the effective date of dissolution to restore its right to carry on business in this state and to exercise all its privileges and immunities. ~~The applicant shall file an official application. The application must~~ A limited liability company applying for reinstatement shall submit to the secretary of state an official application, executed by a person who was a member or manager at the time of dissolution, setting forth:

(a) ~~recite the name of the company and the effective date of its administrative dissolution;~~

~~_____ (b) state that the ground for dissolution either did not exist or has been eliminated;~~

~~_____ (c) state that the company's name satisfies the requirements of 35-8-103;~~

~~_____ (d) contain a certificate from the department of revenue reciting that all taxes owed by the company have been paid; and~~

~~_____ (e) include all annual reports not yet filed with the secretary of state.~~

~~_____ (a) the name and business mailing address of the limited liability company;~~

~~_____ (b) a statement that the assets of the limited liability company have not been liquidated;~~

~~_____ (c) a statement that a majority of its members have authorized the application for reinstatement; and~~

~~_____ (d) if its name has been legally acquired by another entity prior to its application for reinstatement, the name under which the limited liability company desires to be reinstated.~~

~~_____ (2) The limited liability company shall submit with its application for reinstatement:~~

~~_____ (a) a certificate from the department of revenue stating that all taxes imposed pursuant to Title 15 have been paid unless a limited liability company has only one member and has not elected to be taxed as a corporation; and~~

~~_____ (b) all annual reports not yet filed with the secretary of state.~~

~~_____ (2) If the secretary of state determines that the application contains the information required by subsection (1) and that the information is correct, the secretary of state shall cancel the certificate of dissolution, prepare a certificate of reinstatement that recites this determination and the effective date of reinstatement, file the original of the certificate, and serve the company with a copy of the certificate.~~

~~_____ (3) When reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution, and the company may resume its business as if the administrative dissolution had not occurred.~~

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

(3) When all requirements of subsections (1) and (2) are met and the secretary of state reinstates the limited liability company, the secretary of state shall:

(a) conform and file in the office of the secretary of state reports, statements, and other instruments submitted for reinstatement;

(b) immediately issue and deliver to the reinstated limited liability company a certificate of reinstatement authorizing it to transact business; and

(c) upon demand and receipt of the specified fee, issue to the limited liability company one or more certified copies of the certificate of reinstatement.

(4) The secretary of state may not order a reinstatement if 5 years have elapsed since the date of dissolution.

(5) A restoration of limited liability company rights pursuant to this section relates back to the date the limited liability company was administratively dissolved, and the limited liability company is considered to have been an existing legal entity from the date of its original organization."

Insert: "COORDINATION SECTION. **Section 3. Coordination instruction.** If Senate Bill No. 63 and [this act] are both passed and approved, then [section 18 of Senate Bill No. 63] amending 35-8-912 is void."

Renumber: subsequent section

5. Page 2, line 1.

Strike: "date"

Insert: "dates"

Strike: "[This act]"

Insert: "(1) Except as provided in subsection (2), [this act]"

6. Page 2.

Following: line 1

Insert: "(2) [Section 2] is effective October 1, 2011."

Insert: "NEW SECTION. **Section 5. Termination.** [Section 1] terminates September 30, 2011."

And, as amended, be concurred in. Report adopted.

MOTIONS

Representative McGillvray moved **SB 343** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved to appoint a **Free** Conference Committee on **SB 97** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/8/2011

Representative K. Peterson
Representative Bangerter
Representative Driscoll

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 8, 2011

Representative McGillvray moved to appoint a Conference Committee on **SB 153** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/8/2011

Representative Kerns
Representative Menahan
Representative O'Hara

Representative McGillvray moved to appoint a **Free** Conference Committee on **SB 156** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/8/2011

Representative Bangerter
Representative Pease-Lopez
Representative Read

Representative McGillvray moved to appoint a Conference Committee on **SB 221** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/8/2011

Representative Berry
Representative Hunter
Representative Salomon

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Monday, April 11, 2011. Motion carried.

House adjourned at 4:20 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
EIGHTIETH LEGISLATIVE DAY**

Helena, Montana
April 11, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Cuffe. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Evans, excused. Quorum present.

BILLS (O'Hara, Chairman):

4/11/2011

Correctly printed: **HJR 38, HJR 39, SB 253, SB 295, SB 372, SJR 18, SJR 19, SJR 20.**

Correctly engrossed: **SB 187, SB 329, SB 414, SB 423, SB 424, SJR 21.**

Delivered to the Governor for approval at 9:45 p.m., April 11, 2011: **HB 12, HB 69, HB 107, HB 125, HB 216, HB 295, HB 310, HB 336, HB 469, HB 522, HB 541, HB 552, HB 584.**

Examined by the sponsor and found to be correct: **HB 8, HB 83, HB 91, HB 100, HB 165, HB 279, HB 341, HB 411, HB 483, HB 551.**

Signed by the Speaker at 8:40 a.m., April 11, 2011: **HB 166, HB 196, HB 277, HB 291, HB 538, HB 548, HB 602.**

Signed by the Speaker at 8:35 a.m., April 11, 2011: **HB 3, HB 15, HB 533.**

Signed by the Chief Clerk of the House at 8:30 a.m., April 11, 2011: **HB 3, HB 15, HB 166, HB 196, HB 277, HB 291, HB 533, HB 538, HB 548, HB 602.**

Correctly enrolled: **HB 8, HB 83, HB 91, HB 100, HB 165, HB 279, HB 341, HB 411, HB 483, HB 551.**

Representative Taylor introduced the pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman):

4/11/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 12:00 p.m., Friday, April 8, 2011:

TITLE

NAME

Pages:

Brenna Davis, Lolo
Jesse Rogers, Helena
Blaise Hall, Helena
Emily Seamons, Bozeman
Emily Harris, Helena
Carrie Kaiserski, Helena
Mariah Witt, Carter

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, April 11, 2011:

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

<u>TITLE</u>	<u>NAME</u>
Pages:	Carrie Kaiserski, Helena Sam Poelstra, Bozeman Allie Crowder, Culbertson Alix Siegel, Havre Amanda Wineman, Cut Bank Sam Ganley, Edgar Molly Hedrich, White Sulphur Krista Stone, Butte

Report Adopted.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):

4/11/2011

SB 253, be concurred in. Report adopted.

SB 295, be concurred in. Report adopted.

SB 372, be concurred in. Report adopted.

SB 414, be amended as follows:

1. Title, page 1, line 7 through line 8.

Strike: "REQUIRING" on line 7 through "PREDATION;" on line 8

2. Page 3, line 23.

Strike: "shall"

Insert: "may"

3. Page 4.

Following: line 6

Strike: "state"

Insert: "state's population management"

Strike: "of 15" through the second "met"

Insert: "is threatened in a manner that would cause the gray wolf to be listed under 87-5-107 or under the federal Endangered Species Act. When the population management objective is no longer threatened"

4. Page 4, line 15.

Strike: "-- duty of attorney general"

Strike: "(1)"

5. Page 4, line 19 through line 26.

Strike: subsection (2) in its entirety

And, as amended, be concurred in. Report adopted.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

SB 424, be amended as follows:

1. Page 3, line 2.

Strike: "\$8,166,502"

Insert: "\$8 million"

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman):

4/11/2011

HJR 38, do pass. Report adopted.

HJR 39, do pass. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 29**
Report No. 1, April 8, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 29** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 29** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5.

Strike: "DEPLOYMENT"

Insert: "SERVICE OVERSEAS"

2. Page 3, line 26 through line 27.

Strike: "DEPLOYMENT" on line 26 through "U.S.C. 101(A)(13)" on line 27

Insert: "service overseas"

For the House:

For the Senate:

Berry, Chair
McNiven

Facey
Moore

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 258**
Report No. 1, April 8, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 258** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

And, recommend that **House Bill 258** (reference copy -- salmon) be amended as follows:

1. Page 4, line 12 through line 13.

Following: "(2)"

Insert: "(a)"

Strike: "who" on line 12 through "overnight." on line 13

Insert: "whose primary purpose on the guest ranch is to participate in recreational activities regularly provided by the guest ranch for a fee including but not limited to hunting, horseback riding, working cattle, hiking, biking, snowmobiling, or fishing, who may be served food incidental to the activity, and who does not stay overnight.

(b) The term does not include persons attending weddings, parties, large group functions, or other meals not related to the recreational activities described in subsection (2)(a) and who may not be served food unless the guest ranch or other entity serving the food has a license issued pursuant to 50-50-201."

2. Page 4, line 22.

Following: "provides"

Insert: "recreational activities that include but are not limited to"

Following: "fishing,"

Insert: "hiking, biking, snowmobiling,"

For the House:

Edmunds, Chair
Hansen

For the Senate:

Mowbray, Vice Chair
Jackson
Tropila

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 525**
Report No. 1, April 8, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 525** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 525** (reference copy -- salmon) be amended as follows:

1. Page 1, line 10.

Following: "~~(a)~~"

Insert: "(a)"

2. Page 1, line 12.

Following: "~~boards to~~"

Insert: "in each interim review one-half of the licensing boards to"

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

3. Page 1.

Following: line 18

Insert: "(b) The review in the first interim after [the effective date of this act] must start with the oldest established boards. The review in the second interim after [the effective date of this act] must include the remaining boards. This review process must be repeated in the subsequent two interims."

4. Page 2, line 12.

Strike: "2012"

Insert: "2018"

For the House:

Arntzen, Chair
McNiven

For the Senate:

Facey, Vice Chair
Jackson
Steinbeisser

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 4/8/2011

HB 8, introduced by Sesso

HB 83, introduced by Berry

HB 165, introduced by Hollandsworth

HB 411, introduced by Wilmer

HB 551, introduced by Flynn

House amendments to Senate bills concurred in: 4/8/2011

SB 29, introduced by Moss

SB 75, introduced by Sonju

SB 100, introduced by Shockley

SB 149, introduced by Essmann

SB 172, introduced by Lake

SB 389, introduced by Van Dyk

House bill not concurred in and returned to the House: 4/7/2011

HB 230, introduced by Gibson

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

SB 338 - The Senate failed to concur in House amendments to **SB 338**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 338**:

4/8/2011

Senator Brown, Chair
Senator Arthun
Senator Hawks

SB 126 - The Senate failed to concur in House amendments to **SB 126**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 126**:

4/8/2011

Senator Brown, Chair
Senator Larsen
Senator Moore

SB 198 - The Senate failed to concur in House amendments to **SB 198**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 198**:

4/8/2011

Senator Ripley, Chair
Senator Balyeat
Senator Facey

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

4/8/2011

HB 4, introduced by Mehlhoff
HB 5, introduced by Sesso
HB 262, introduced by Sands
HB 587, introduced by McNutt
HB 619, introduced by Ankney

MESSAGES FROM THE GOVERNOR

April 8, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Milburn:

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Please be informed that I have signed **House Bill 41** sponsored by Representative Stahl, **House Bill 49** sponsored by Representative Hands, **House Bill 77** sponsored by Representative Pease-Lopez, **House Bill 102** sponsored by Representative Menahan, **House Bill 110** sponsored by Representative Welborn, **House Bill 116** sponsored by Representative Ingraham, **House Bill 131** sponsored by Representative Menahan et al., **House Bill 134** sponsored by Representative Squires, **House Bill 135** sponsored by Representative Squires, **House Bill 185** sponsored by Representative Berry et al., **House Bill 225** sponsored by Representative Welborn, **House Bill 256** sponsored by Representative Wilmer, **House Bill 269** sponsored by Representative Lavin et al., **House Bill 315** sponsored by Representative MacDonald et al., **House Bill 430** sponsored by Representative Loney et al., **House Bill 487** sponsored by Representative Clark, **House Bill 498** sponsored by Representative MacLaren et al., **House Bill 528** sponsored by Representative F. Smith et al., and **House Bill 594** sponsored by Representative Sesso et al., on April 8, 2011.

I also delivered the following House Bills with no signature. **House Bill 123** sponsored by Representative McClafferty and **House Bill 391** sponsored by Representative Berry on April 8, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

April 8, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 342, "**AN ACT REVISING APPEAL BONDS IN CIVIL CASES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

HB 342 establishes statutory caps on bonds that must be posted by civil litigants appealing a court judgment regardless of the amount of a court judgment. The bill was advocated by

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

proponents claiming the need for "tort reform" and an improved "business climate" in Montana. In hearings on the bill, however, proponents failed to cite one Montana case in which a court required an excessive bond be posted.

As many of you know, I take pride in Montana's strong business climate. Montana stands 8th in the nation in overall business climate according to Business Facilities. Last year, the U.S. Chamber of Commerce and National Chamber Foundation rated Montana as the Number One state for entrepreneurship and overall business start-up activity, and the Kauffman Foundation gave Montana a similar rating.

Turning to the content of the bill, I believe that current Montana law appropriately and fairly provides the level of bonds that must be posted when a judgment in a civil case is appealed. The amount of the bond is based on the amount of the judgment in the civil case (plus costs on appeal), thus ensuring the injured party the full amount of the remedy to which they will be entitled if the judgment is upheld on appeal. Most importantly under current law, the Montana Supreme Court already has the flexibility and discretion, "in the interests of justice," to grant relief from the bond level set by a district court. Rule 22 of the Montana Rules of Appellate Procedure.

Certainly, it is a rare case in Montana in which a civil judgment will reach the caps established in this bill. However, since I am unaware of any problems existing with the current appellate court rules pertaining to the posting of bonds, and those rules are more protective of parties who have obtained a court judgment than are the requirements in this bill, I have decided to veto HB 342. The bill is a solution searching for a problem that does not exist.

I ask for your support in sustaining my veto.
Sincerely,

BRIAN SCHWEITZER
Governor

April 8, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 30, **"AN ACT EXEMPTING A HEALTH CARE SHARING MINISTRY FROM REGULATION AS A DISABILITY INSURANCE COMPANY OR POLICY; DEFINING "HEALTH CARE SHARING MINISTRY"; AND AMENDING SECTION 33-1-102, MCA"** for the following reasons.

I issue this veto because I believe this legislation authorizing health care sharing ministries to operate in Montana exempt from Montana's insurance codes and without any regulatory oversight raises an array of very serious consumer protection concerns. Under HB 30, health care sharing ministries would be authorized to operate in a regulatory vacuum with no accountability. These ministries are not health insurance, but, unfortunately, and the reason they run contrary to consumer interests is that participants rely on them with a false sense of security as a substitute for their health insurance needs, unaware of the pitfalls and liabilities to which they are exposing themselves.

HB 30 establishes three minimal and undefined requirements for health care sharing ministries. It requires the ministries to: 1) provide participants a monthly list of "needs" submitted to the ministry and the actual amount "published" or "assigned" to participants, without defining those terms; 2) conduct an annual audit that is available to the public upon request; and 3) include a disclaimer on all applications, or, alternatively, distribute the disclaimer with any guidelines it distributes. The disclaimer required under HB 30 speaks volumes, but its placement and size are not subject to regulation, rendering it ineffective. These are the only legal requirements that would be imposed upon health care sharing ministries should HB 30 become law. HB 30 does not even establish an enforcement mechanism to ensure these three minimal requirements are followed.

Most profoundly, unlike insurance companies, health care sharing ministries are not required to have reserve funds to pay claims. As such, participants have no assurance of protection or recourse from the ministries in the event they have health needs and expenses. In 2007, the Montana State Auditor took legal action to protect a Montana consumer who was denied coverage by a ministry for health care expenses resulting from heart surgery. In that case, a Montana jury found the ministry to have committed fraud, violated Montana's Unfair Trade Practices Act, inflicted emotional distress, and failed to pay claims in a timely manner.

I also offer a word about the relationship between HB 30 and the federal health care reform act. The federal law exempts individuals participating in a health care sharing ministry from the individual mandate requirement, however certain conditions not contained in HB 30 must be satisfied for the federal exemption to apply. For example, the ministry must have been in existence and sharing medical expenses since December 31, 1999. Additionally, the ministry must allow members to retain their membership even after they develop a medical condition. Because these requirements are absent from HB 30, a participant in a ministry operating in Montana under HB 30 would not necessarily be exempt from the individual mandate requirements of the federal law.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Finally, I note the irony of the fact that proponents of HB 30 presented the bill as a mechanism for Montana consumers to fulfill the requirements of the federal health care reform act, while taking every opportunity throughout this legislative session to vote to reject the federal law and even prohibit its enforcement by Montana government.

In the end, my opposition to HB 30 lies in the fact that I believe it is contrary to the interests of Montana consumers. Health care sharing ministries offer no guarantees of protection when the time comes to pay members' health care costs, and we all know that health care coverage is an essential need of Montanans. While some individuals may garner some benefit from these ministries, when weighing the benefits against the pitfalls on the scale of consumer protection, I believe the balance clearly tips against sanctioning the marketing of health care ministries in Montana exempt from our state's insurance codes.

For these reasons, I respectfully ask that you sustain my veto of HB 30.

Sincerely,

BRIAN SCHWEITZER
Governor

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJR 8 adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Stahl, Swanson, Taylor, Welborn, Williams, Wilmer.

Total 54

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Skattum, C. Smith, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 44

Excused: Evans.

Total 1

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Absent or not voting: Small.

Total 1

SB 81 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Williams, Wilmer, Yates, Mr. Speaker.

Total 71

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Cuffe, Edmunds, Esp, Flynn, Hale, Harris, Hendrick, Howard, Kennedy, Kerns, Knox, Knudsen, Loney, Miller, O'Neil, Randall, Read, Skattum, Skees, C. Smith, Vance, Warburton, Washburn, Welborn.

Total 28

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 207 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 72

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, MacDonald, Malek, McClafferty, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Rosendale, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 27

Excused: Evans.

Total 1

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Absent or not voting: None.

Total 0

SB 233 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 74

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McNally, Menahan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Williams, Wilmer.

Total 25

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 283 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Absent or not voting: None.

Total 0

SB 319 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Stahl, Swanson, Taylor, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 75

Nays: G. Bennett, Blasdel, Burnett, Edmunds, Gibson, Hale, Howard, Kennedy, Kerns, Knox, Knudsen, Miller, More, O'Neil, Osmundson, Randall, Regier, Rosendale, Small, C. Smith, Vance, Wagner, Warburton, Washburn.

Total 24

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 379 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 70

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 29

Excused: Evans.

Total 1

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative More in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 329 - Representative McGillvray moved consideration of **SB 329** be placed below HB 2 on the second reading board. Motion carried.

HB 2 - Free Conference Committee Report No. 1 - Representative McNutt moved the Free Conference Committee report to **HB 2** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Small, C. Smith, Stahl, Vance, Warburton, Washburn, Welborn, Mr. Speaker.

Total 57

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Swanson, Taylor, Wagner, Williams, Wilmer, Yates.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 329 - Representative C. Smith moved **SB 329** be concurred in.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

SB 329 - Representative Regier moved **SB 329**, second reading copy, be amended as follows:

1. Page 7, line 28.

Following: "DATA"

Insert: "-- reporting"

2. Page 8.

Following: line 5

Insert: " (3) Each school district shall annually report to the office of public instruction and publish and post on the school district's internet website the following district data for the preceding school year:

(a) the number and type of employee positions, including administrators;
(b) for the current employee in each position:
(i) the total amount of compensation paid to the employee by the district. The total amount of compensation includes but is not limited to the employee's base wage or salary, overtime pay, and other income from school-sanctioned extracurricular activities, including coaching and similar activities; and
(ii) the certification held by and required of the employee;
(c) the student-teacher ratio by grade;
(d) (i) the amount, by category, spent by the district for operation and maintenance, stated in total cost and cost per square foot; and
(ii) the amount of principal and interest paid on bonds;
(e) the total district expenditures per student;
(f) the total budget for all funds;
(g) the total number of students enrolled and the average daily attendance;
(h) the total amount spent by the district on extracurricular activities and the total number of students that participated in extracurricular activities; and
(i) the number of students that entered the 9th grade in the school district but did not graduate from a high school in that district and for which the school district did not receive a transfer request. For reporting purposes, the students identified under this subsection (3)(i) are considered to have dropped out of school.

(4) Each school district shall also post on the school district's internet website a copy of every working agreement the district has with any organized labor organization and the district's costs, if any, associated with employee union representation, collective bargaining, and union grievance procedures and litigation resulting from union employee grievances.

(5) If a school district does not have an internet website, the school district shall publish the information required under subsections (2) and (3) in printed form and provide a copy of the information upon request at the cost incurred by the school district for printing only.""

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller,

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 329 - Representative Stahl moved consideration of **SB 329** be placed at the bottom of the second reading board for the purpose of amendment. Representative Sesso objected.

Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, Blasdel, Burnett, Clark, Cuffe, Edmunds, Ehli, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates.

Total 46

Nays: Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Connell, Cook, Court, Driscoll, Esp, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, Klock, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Mr. Speaker.

Total 51

Excused: Evans.

Total 1

Absent or not voting: G. Bennett, Howard.

Total 2

SB 329 - Representative Stahl moved **SB 329**, second reading copy, be further amended as follows:

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

1. Title, page 1, line 6.

Following: "AGREEMENTS;"

Insert: "PROVIDING THAT THE LEGISLATURE DEFINES AND SPECIFIES THE SCHOOL ACCREDITATION STANDARDS;"

2. Title, page 1, line 19.

Following: "FUND;"

Insert: "ESTABLISHING AN AD HOC COMMITTEE TO REVIEW ACCREDITATION STANDARDS; PROVIDING AN APPROPRIATION;"

3. Title, page 1.

Following: line 20

Insert: "20-2-121, 20-3-106,"

4. Title, page 1, line 21.

Following: "20-3-363,"

Insert: "20-7-101, 20-7-102, 20-7-111, 20-7-401,"

Following: "20-9-308,"

Insert: "20-9-311,"

5. Page 1, line 26.

Insert: "**Section 1.** Section 20-2-121, MCA, is amended to read:

"20-2-121. Board of public education -- powers and duties. The board of public education shall:

(1) effect an orderly and uniform system for teacher certification and specialist certification and for the issuance of an emergency authorization of employment by adopting the policies prescribed by 20-4-102 and 20-4-111;

(2) consider the suspension or revocation of teacher or specialist certificates and appeals from the denial of teacher or specialist certification in accordance with the provisions of 20-4-110;

(3) administer and order the distribution of BASE aid in accordance with the provisions of 20-9-344;

(4) adopt and enforce policies to provide uniform standards and regulations for the design, construction, and operation of school buses in accordance with the provisions of 20-10-111;

(5) adopt policies prescribing the conditions when school may be conducted on Saturday and the types of pupil-instruction-related days and approval procedure for those days in accordance with the provisions of 20-1-303 and 20-1-304;

(6) ~~adopt standards of accreditation and~~ establish the accreditation status of every school in accordance with the provisions of 20-7-101 and 20-7-102;

(7) approve or disapprove educational media selected by the superintendent of public instruction for the educational media library in accordance with the provisions of 20-7-201;

(8) adopt policies for the conduct of special education in accordance with the provisions of 20-7-402;

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(9) adopt rules for issuance of documents certifying equivalency of completion of secondary education in accordance with 20-7-131;

(10) adopt policies for the conduct of programs for gifted and talented children in accordance with the provisions of 20-7-903 and 20-7-904;

(11) adopt rules for student assessment in the public schools; and

(12) perform any other duty prescribed from time to time by this title or any other act of the legislature."

Insert: "Section 2. Section 20-3-106, MCA, is amended to read:

"20-3-106. Supervision of schools -- powers and duties. The superintendent of public instruction has the general supervision of the public schools and districts of the state and shall perform the following duties or acts in implementing and enforcing the provisions of this title:

(1) resolve any controversy resulting from the proration of costs by a joint board of trustees under the provisions of 20-3-362;

(2) issue, renew, or deny teacher certification and emergency authorizations of employment;

(3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of 20-5-314;

(4) approve or disapprove the opening or reopening of a school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-505;

(5) approve or disapprove school isolation within the limitations prescribed by 20-9-302;

(6) generally supervise the school budgeting procedures prescribed by law in accordance with the provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of 20-9-103 and 20-9-506;

(7) establish a system of communication for calculating joint district revenue in accordance with the provisions of 20-9-151;

(8) approve or disapprove the adoption of a district's budget amendment resolution under the conditions prescribed in 20-9-163 and adopt rules for an application for additional direct state aid for a budget amendment in accordance with the approval and disbursement provisions of 20-9-166;

(9) generally supervise the school financial administration provisions as prescribed by 20-9-201(2);

(10) prescribe and furnish the annual report forms to enable the districts to report to the county superintendent in accordance with the provisions of 20-9-213(6) and the annual report forms to enable the county superintendents to report to the superintendent of public instruction in accordance with the provisions of 20-3-209;

(11) approve, disapprove, or adjust an increase of the average number belonging (ANB) in accordance with the provisions of 20-9-313 and 20-9-314;

(12) distribute BASE aid and special education allowable cost payments in support of the BASE funding program in accordance with the provisions of 20-9-331, 20-9-333, 20-9-342, 20-9-346, 20-9-347, and 20-9-366 through 20-9-369;

(13) provide for the uniform and equal provision of transportation by performing the duties prescribed by the provisions of 20-10-112;

(14) request, accept, deposit, and expend federal money in accordance with the provisions of 20-9-603;

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(15) authorize the use of federal money for the support of an interlocal cooperative agreement in accordance with the provisions of 20-9-703 and 20-9-704;

(16) prescribe the form and contents of and approve or disapprove interstate contracts in accordance with the provisions of 20-9-705;

(17) recommend standards of accreditation for all schools to the ~~board of public education~~ legislature and evaluate compliance with the standards and recommend accreditation status of every school to the board of public education in accordance with the provisions of 20-7-101 and 20-7-102;

(18) collect and maintain a file of curriculum guides and assist schools with instructional programs in accordance with the provisions of 20-7-113 and 20-7-114;

(19) establish and maintain a library of visual, aural, and other educational media in accordance with the provisions of 20-7-201;

(20) license textbook dealers and initiate prosecution of textbook dealers violating the law in accordance with the provisions of the textbooks part of this title;

(21) as the governing agent and executive officer of the state of Montana for K-12 career and vocational/technical education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;

(22) supervise and coordinate the conduct of special education in the state in accordance with the provisions of 20-7-403;

(23) administer the traffic education program in accordance with the provisions of 20-7-502;

(24) administer the school food services program in accordance with the provisions of 20-10-201 through 20-10-203;

(25) review school building plans and specifications in accordance with the provisions of 20-6-622;

(26) provide schools with information and technical assistance for compliance with the student assessment rules provided for in 20-2-121 and collect and summarize the results of the student assessment for the board of public education and the legislature;

(27) upon request and in compliance with confidentiality requirements of state and federal law, disclose to interested parties all school district student assessment data for a test required by the board of public education; and

(28) administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through 20-9-369; and

(29) perform any other duty prescribed from time to time by this title, any other act of the legislature, or the policies of the board of public education.""

Renumber: subsequent sections

6. Page 2, line 21.

Insert: "Section 4. Section 20-7-101, MCA, is amended to read:

"20-7-101. Standards of accreditation. (1) Standards of accreditation for all schools, as determined by the legislature, must be adopted by the board of public education upon the recommendations of the superintendent of public instruction.

~~— (2) Prior to adoption or amendment of any accreditation standard, the board shall submit each proposal to the education and local government interim committee for review. The interim committee shall request a fiscal analysis to be prepared by the legislative fiscal division.~~

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

~~The legislative fiscal division shall provide its analysis to the interim committee and to the office of budget and program planning to be used in the preparation of the executive budget.~~

~~(3)(2)~~ The legislature may request a fiscal analysis to be prepared by the legislative fiscal division. If the fiscal analysis of the proposal is found by the legislative fiscal division to have a substantial fiscal impact, the ~~board~~ legislature may not implement the standard until July 1 following the next regular legislative session and shall request that the same legislature fund implementation of the proposed standard. A substantial fiscal impact is an amount that cannot be readily absorbed in the budget of an existing school district program.

~~(4)(3)~~ Standards for the retention of school records must be as provided in 20-1-212.""

Insert: "Section 5. Section 20-7-102, MCA, is amended to read:

"20-7-102. Accreditation of schools. (1) The conditions under which each elementary school, each middle school, each junior high school, 7th and 8th grades funded at high school rates, and each high school operates must be reviewed by the superintendent of public instruction to determine compliance with the standards of accreditation. The accreditation status of each school must then be established by the board of public education upon the recommendation of the superintendent of public instruction. Notification of the accreditation status for the applicable school year or years must be given to each district by the superintendent of public instruction.

(2) A school may be accredited for a period consisting of 1, 2, 3, 4, or 5 school years, except that multiyear accreditation may be granted only to schools that are in compliance with 20-4-101.

(3) A nonpublic school may, through its governing body, request that the board of public education accredit the school. Nonpublic schools may be accredited in the same manner as provided in subsection (1).

(4) As used in this section, "7th and 8th grades funded at high school rates" means an elementary school district or K-12 district elementary program whose 7th and 8th grades are funded as provided in 20-9-306(14)(c)(ii).

(5) For fiscal years 2012 and 2013, the accreditation status of each elementary school, each middle school, 7th and 8th grades funded at high school rates, and each high school may not be altered by the board of public education from the school's 2011 accreditation status."

Insert: "Section 6. Section 20-7-111, MCA, is amended to read:

"20-7-111. Instruction in public schools. (1) ~~The board of public education~~ legislature shall define and specify the basic instructional program for pupils in public schools, and ~~such that~~ program ~~shall~~ must be set forth in the standards of accreditation. Other instruction may be given when approved by ~~the~~ a school district board of trustees.

(2) A basic instructional program, as defined by the legislature, may not include any course of instruction that is not part of centric core curriculum output-based accreditation standards. The accreditation standards core curriculum may include only:

- (a) English arts;
- (b) mathematics;
- (c) science;
- (d) business;
- (e) geography;
- (f) civics; and
- (g) international relations.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(3) The superintendent of public instruction shall continually enhance the statewide data system to support the collection of data from schools, implement a data collection plan to reduce redundant data requests, increase data use from the centralized system by various functions within the office of public instruction, and promote transparency in reporting to schools, school districts, communities, and the public. Actionable data analysis must be produced to promote academic improvement.

(4) The superintendent of public instruction shall gather, maintain, and distribute longitudinal, actionable data in the following areas:

- (a) statewide student identifier;
- (b) student-level enrollment data, including average daily attendance;
- (c) student-level statewide assessment data;
- (d) information on untested students;
- (e) student-level graduation and dropout data;
- (f) ability to match student-level K-12 and higher education data;
- (g) Grade 3 CRT and CRT-Alt grade assessment data ensuring grade level performance;
- (h) a statewide data audit system;
- (i) a system to track student achievement with a direct teacher-to-student match to help track, report, and create opportunities for improved individual student performance;
- (j) student-level course completion data, including transcripts, to assess career and college readiness; and
- (k) scholastic achievement test and advanced placement exam data. ""

Insert: "Section 7. Section 20-7-401, MCA, is amended to read:

"20-7-401. Definitions. In this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Child with a disability" means a child evaluated in accordance with the regulations of the Individuals With Disabilities Education Act as having a disability and who because of the disability needs special education and related services.

(2) "Free appropriate public education" means special education and related services that:

(a) are provided at public expense under public supervision and direction and without charge;

(b) meet the accreditation standards of the ~~board of public education~~ legislature, the special education requirements of the superintendent of public instruction, and the requirements of the Individuals With Disabilities Education Act;

(c) include preschool, elementary school, and high school education in Montana; and

(d) are provided in conformity with an individualized education program that meets the requirements of the Individuals With Disabilities Education Act.

(3) "Related services" means services in accordance with regulations of the Individuals With Disabilities Education Act that are required to assist a child with a disability to benefit from special education.

(4) "Special education" means specially designed instruction, given at no cost to the parents or guardians, to meet the unique needs of a child with a disability, including but not limited to instruction conducted in a classroom, home, hospital, institution, or other setting and instruction in physical education.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(5) "Surrogate parent" means an individual appointed to safeguard a child's rights and protect the child's interests in educational evaluation, placement, and hearing or appeal procedures concerning the child."

Renumber: subsequent sections

7. Page 7, line 14.

Insert: "Section 12. Section 20-9-311, MCA, is amended to read:

"20-9-311. Calculation of average number belonging (ANB) -- three-year averaging. (1) Average number belonging (ANB) must be computed for each budget unit as follows:

(a) compute an average enrollment by adding a count of regularly enrolled full-time pupils who were enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on February 1 of the prior school fiscal year, or the next school day if those dates do not fall on a school day, and divide the sum by two; and

(b) multiply the average enrollment calculated in subsection (1)(a) by the sum of 180 and the approved pupil-instruction-related days for the current school fiscal year and divide by 180.

(2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related days may be included in the calculation.

(3) When a school district has approval to operate less than the minimum aggregate hours under 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.

(4) (a) For the purpose of calculating ANB, enrollment in an education program:

(i) from 180 to 359 aggregate hours of pupil instruction per school year is counted as one-quarter-time enrollment;

(ii) from 360 to 539 aggregate hours of pupil instruction per school year is counted as half-time enrollment;

(iii) from 540 to 719 aggregate hours of pupil instruction per school year is counted as three-quarter-time enrollment; and

(iv) 720 or more aggregate hours of pupil instruction per school year is counted as full-time enrollment.

(b) Enrollment in a program intended to provide fewer than 180 aggregate hours of pupil instruction per school year may not be included for purposes of ANB.

(c) Enrollment in a self-paced program or course may be converted to an hourly equivalent based on the hours necessary and appropriate to provide the course within a regular classroom schedule.

(d) A pupil in kindergarten through grade 12 who is concurrently enrolled in more than one public school, program, or district may not be counted as more than one full-time pupil for ANB purposes.

(5) For a district that is transitioning from a half-time to a full-time kindergarten program, the state superintendent shall count kindergarten enrollment in the previous year as full-time enrollment for the purpose of calculating ANB for the elementary programs offering full-time kindergarten in the current year. For the purposes of calculating the 3-year ANB, the superintendent of public instruction shall count the kindergarten enrollment as one-half

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

enrollment and then add the additional kindergarten ANB to the 3-year average ANB for districts offering full-time kindergarten.

(6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days, the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes attendance prior to the day of the enrollment count.

(7) The enrollment of preschool pupils, as provided in 20-7-117, may not be included in the ANB calculations.

(8) The average number belonging of the regularly enrolled, full-time pupils for the public schools of a district must be based on the aggregate of all the regularly enrolled, full-time pupils attending the schools of the district, except that the ANB is calculated as a separate budget unit when:

(a) (i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled, full-time pupils of the school must be calculated as a separate budget unit for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(ii) a school of the district is located more than 20 miles from any other school of the district and incorporated territory is not involved in the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(iii) the superintendent of public instruction approves an application not to aggregate when conditions exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, or when any other condition exists that would result in an unusual hardship to the pupils of the school if they were transported to another school, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district; or

(iv) two or more districts consolidate or annex under the provisions of 20-6-422 or 20-6-423, the ANB and the basic entitlements of the component districts must be calculated separately for a period of 3 years following the consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3 additional years as follows:

(A) 75% of the basic entitlement for the fourth year;

(B) 50% of the basic entitlement for the fifth year; and

(C) 25% of the basic entitlement for the sixth year.

(b) a junior high school has been approved and accredited as a junior high school, all of the regularly enrolled, full-time pupils of the junior high school must be considered as high school district pupils for ANB purposes;

(c) a middle school has been approved and accredited, all pupils below the 7th grade must be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered high school pupils for ANB purposes; or

(d) a school has not been accredited by the board of public education, the regularly enrolled, full-time pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes, nor will an average number belonging for the nonaccredited school be used in determining the BASE funding program for the district.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(9) The district shall provide the superintendent of public instruction with semiannual reports of school attendance, absence, and enrollment for regularly enrolled students, using a format determined by the superintendent.

(10) (a) Except as provided in subsections (10)(b) and (10)(c), enrollment in a basic education program provided by the district through any combination of onsite or offsite instruction may be included for ANB purposes only if the pupil is offered access to the complete range of educational services for the basic education program required by the accreditation standards adopted by the ~~board of public education~~ legislature.

(b) Access to school programs and services for a student placed by the trustees in a private program for special education may be limited to the programs and services specified in an approved individual education plan supervised by the district.

(c) Access to school programs and services for a student who is incarcerated in a facility, other than a youth detention center, may be limited to the programs and services provided by the district at district expense under an agreement with the incarcerating facility.

(d) This subsection (10) may not be construed to require a school district to offer access to activities governed by an organization having jurisdiction over interscholastic activities, contests, and tournaments to a pupil who is not otherwise eligible under the rules of the organization.

(11) A district may include only, for ANB purposes, an enrolled pupil who is otherwise eligible under this title and who is:

(a) a resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district;

(b) unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(c) unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(d) receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the pupil's services are provided at the district's expense under an approved individual education plan supervised by the district;

(e) participating in the running start program at district expense under 20-9-706;

(f) receiving educational services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the department of public health and human services;

(g) enrolled in an educational program or course provided at district expense using electronic or offsite delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite instructional setting with the approval of the trustees of the district. The pupil shall:

(i) meet the residency requirements for that district as provided in 1-1-215;

(ii) live in the district and must be eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or

(iii) attend school in the district under a mandatory attendance agreement as provided in 20-5-321.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(h) a resident of the district attending the Montana youth challenge program or a Montana job corps program under an interlocal agreement with the district under 20-9-707.

(12) A district shall, for ANB purposes, calculate the enrollment of an eligible Montana youth challenge program participant as half-time enrollment.

(13) (a) For an elementary or high school district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated using the current year ANB for all budget units or the 3-year average ANB for all budget units, whichever generates the greatest maximum general fund budget.

(b) For a K-12 district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated separately for the elementary and high school programs pursuant to subsection (13)(a) and then combined.

(14) The term "3-year ANB" means an average ANB over the most recent 3-year period, calculated by:

(a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the previous 2 school fiscal years; and

(b) dividing the sum calculated under subsection (14)(a) by three."

Renumber: subsequent sections

8. Page 12, line 26.

Insert: "NEW SECTION. Section 16. Ad hoc committee on accreditation standards -- appointment process. (1) There is an ad hoc committee on accreditation standards that meets during the interim for the purpose of reviewing and approving accreditation standards for K-12 schools.

(2) The ad hoc accreditation standards committee consists of:

(a) four members from the house of representatives appointed by the speaker of the house;

(b) four members from the senate appointed by the committee on committees;

(c) one representative of the office of public instruction; and

(d) one representative from the board of public education.

(3) The committee may request recommendations for curriculum or accreditation standards from the superintendent of public instruction or the board of public education."

Insert: "NEW SECTION. Section 17. Appropriation. There is appropriated \$200,000 for the biennium beginning July 1, 2011, to the ad hoc committee on accreditation standards for the purpose of reviewing the K-12 standards and recommending core curriculum standards to the 2013 legislature."

Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Arntzen, G. Bennett, Blasdel, Burnett, Edmunds, Ehli, Evans, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, More, O'Neil, Osmundson, Randall, Read, Regier, Rosendale,

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.
Total 40

Nays: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Esp, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 60

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 329 - Representative Stahl moved **SB 329**, second reading copy, be further amended as follows:

1. Title, page 1, line 5, through page 2, line 3.

Strike: "CREATING" on line 5 through "DATE" on line 3

Insert: "REPLACING GUARANTEED TAX BASE, DIRECT STATE AID, AND COUNTY EQUALIZATION AID WITH A STATE CORE CURRICULUM TEACHER PAYMENT; PROVIDING THAT BASE AID IS THE CORE CURRICULUM TEACHER PAYMENT; REQUIRING THAT ALL FEDERAL AND STATE SCHOOL FUNDING PROVIDED IN ADDITION TO THE CORE CURRICULUM TEACHER PAYMENT IS OVER-BASE; REQUIRING THAT ANY COURSE OF INSTRUCTION OFFERED BY A K-12 PUBLIC SCHOOL THAT IS NOT A CORE CURRICULUM COURSE IS FUNDED BY A COUNTY OR SCHOOL DISTRICT; PROVIDING THAT THE LEGISLATURE DEFINES AND SPECIFIES THE SCHOOL ACCREDITATION STANDARDS; LIMITING AVERAGE NUMBER BELONGING TO FUNDING FOR SPECIAL EDUCATION AND COUNTYWIDE TRANSPORTATION GRANTS; PROVIDING A STATEWIDE PROPERTY TAX LEVY OF NOT MORE THAN 40 MILLS FOR THE SUPPORT OF THE STATE CORE CURRICULUM TEACHER PAYMENT; PROVIDING RULEMAKING AUTHORITY; ESTABLISHING AN AD HOC COMMITTEE TO REVIEW ACCREDITATION STANDARDS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 2-7-514, 7-1-2111, 15-1-112, 15-1-409, 15-10-420, 15-24-1402, 15-24-1703, 15-24-1802, 15-24-1902, 15-24-2002, 15-24-2102, 15-36-331, 15-36-332, 15-39-110, 17-3-213, 17-7-140, 17-7-301, 17-7-502, 20-1-301, 20-2-121, 20-3-106, 20-3-205, 20-3-324, 20-3-363, 20-4-203, 20-4-501, 20-4-502, 20-4-503, 20-4-504, 20-4-505, 20-4-506, 20-5-323, 20-5-324, 20-6-326, 20-6-502, 20-6-503, 20-6-504, 20-6-506, 20-6-507, 20-6-702, 20-7-101, 20-7-102, 20-7-111, 20-7-117, 20-7-401, 20-7-420, 20-7-701, 20-7-714, 20-9-104, 20-9-141, 20-9-166, 20-9-212, 20-9-302, 20-9-303, 20-9-305, 20-9-306, 20-9-308, 20-9-309, 20-9-311,

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

20-9-313, 20-9-314, 20-9-326, 20-9-327, 20-9-329, 20-9-332, 20-9-342, 20-9-344, 20-9-346, 20-9-347, 20-9-348, 20-9-351, 20-9-353, 20-9-360, 20-9-406, 20-9-422, 20-9-439, 20-9-501, 20-9-515, 20-9-533, 20-9-622, 20-9-630, 69-11-202, 90-6-309, 90-6-403, AND 90-6-1001, MCA; REPEALING SECTIONS 15-30-2336, 20-7-202, 20-9-331, 20-9-333, 20-9-335, 20-9-343, 20-9-361, 20-9-366, 20-9-367, 20-9-368, 20-9-369, 20-9-370, 20-9-371, AND 20-9-534, MCA; AND PROVIDING AN EFFECTIVE DATE"

. Page 1, line 27 through page 12, line 28.

Strike: everything after the enacting clause

Insert: **Section 1.** Section 2-7-514, MCA, is amended to read:

"2-7-514. Filing of audit report and financial report. (1) Completed audit reports must be filed with the department. Completed financial reports must be filed with the department as provided in 2-7-503(1). The state superintendent of public instruction shall file with the department a list of school districts subject to audit under 2-7-503(3). The list must be filed with the department within 6 months after the close of the fiscal year.

(2) At the time that the financial report is filed or, in the case of a school district, when the audit report is filed with the department, the local government entity shall pay to the department a filing fee. The department shall charge a filing fee to any local government entity required to have an audit under 2-7-503, which fee must be based upon the costs incurred by the department in the administration of this part. ~~Notwithstanding the provisions of 20-9-343,~~ ~~the~~ The filing fees for school districts required by this section must be paid by the office of public instruction. The department shall adopt the fee schedule by rule based upon the local government entities' revenue amounts.

(3) Copies of the completed audit and financial reports must be made available by the department and the local government entity for public inspection during regular office hours.""

Insert: **Section 22.** Section 7-1-2111, MCA, is amended to read:

"7-1-2111. Classification of counties. (1) For the purpose of regulating the compensation and salaries of all county officers not otherwise provided for and for fixing the penalties of officers' bonds, the counties of this state must be classified according to the taxable valuation of the property in the counties upon which the tax levy is made as follows:

- (a) first class--all counties having a taxable valuation of \$50 million or more;
- (b) second class--all counties having a taxable valuation of \$30 million or more and less than \$50 million;
- (c) third class--all counties having a taxable valuation of \$20 million or more and less than \$30 million;
- (d) fourth class--all counties having a taxable valuation of \$15 million or more and less than \$20 million;
- (e) fifth class--all counties having a taxable valuation of \$10 million or more and less than \$15 million;
- (f) sixth class--all counties having a taxable valuation of \$5 million or more and less than \$10 million;
- (g) seventh class--all counties having a taxable valuation of less than \$5 million.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(2) As used in this section, "taxable valuation" means the taxable value of taxable property in the county as of the time of determination plus:

(a) that portion of the taxable value of the county on December 31, 1981, attributable to automobiles and trucks having a rated capacity of three-quarters of a ton or less;

(b) that portion of the taxable value of the county on December 31, 1989, attributable to automobiles and trucks having a manufacturer's rated capacity of more than three-quarters of a ton but less than or equal to 1 ton;

(c) that portion of the taxable value of the county on December 31, 1997, attributable to buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors;

(d) that portion of the taxable value of the county on December 31, 1997, attributable to trailers, pole trailers, and semitrailers with a declared weight of less than 26,000 pounds;

(e) the value provided by the department of revenue under 15-36-332(7)(4);

(f) 50% of the taxable value of the county on December 31, 1999, attributable to telecommunications property under 15-6-141;

(g) 50% of the taxable value in the county on December 31, 1999, attributable to electrical generation property under 15-6-141;

(h) the value provided by the department of revenue under 15-24-3001;

(i) 6% of the taxable value of the county on January 1 of each tax year;

(j) 45% of the contract sales price of the gross proceeds of coal in the county as provided in 15-23-703 and as reported under 15-23-702; and

(k) 33 1/3% of the value of bentonite produced during the previous year as provided in 15-39-110(12)(10) and as reported under 15-39-101."

Insert: **Section 33.** Section 15-1-112, MCA, is amended to read:

"15-1-112. Business equipment tax rate reduction reimbursement to local government taxing jurisdictions. (1) ~~On or before January 1, 1996, for the reduction in payment under subsection (4) and by June 1 of 1996, 1997, and 1998 for all other reimbursements in this section, the~~ The department shall determine a reimbursement amount associated with reducing the tax rate in 15-6-138 and provide that information to each county treasurer. The reimbursement amount must be determined for each local government taxing jurisdiction that levied mills on the taxable value of property described in 15-6-138 in the corresponding tax year. However, the reimbursement does not apply to property described in 15-6-138 that has a reduced tax rate under 15-24-1402.

~~(2) (a) The reimbursement amount to be used as the basis for the payment reduction under subsection (4) is the product of multiplying the tax year 1995 taxable value of property described in 15-6-138 for each local government taxing jurisdiction by the tax year 1995 mill levy for the jurisdiction and then multiplying by 1/9th.~~

~~———— (b) (i) The reimbursement amount for each local government taxing jurisdiction for tax year 1996 is the amount determined under subsection (2)(a) unless the tax year 1996 market value of property described in 15-6-138, for the particular local government taxing jurisdiction, is more than the tax year 1995 market value for property described in 15-6-138 in the same jurisdiction.~~

~~———— (ii) If the tax year 1996 market value is greater than the tax year 1995 market value for a particular jurisdiction, then the reimbursement amount for tax year 1996 is the result of subtracting the simulated 1996 tax from the 1995 tax. The 1995 tax is the tax for the particular jurisdiction, determined by multiplying the actual taxable valuation of property described in~~

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

15-6-138, for tax year 1995, by the tax year 1995 mill levy for the jurisdiction. The simulated 1996 tax for the particular jurisdiction is the actual tax year 1996 taxable value of property described in 15-6-138 multiplied by the tax year 1995 mill levy for the particular jurisdiction. If the simulated 1996 tax is greater than the 1995 tax, the reimbursement amount is zero.

——— (c) (i) The reimbursement amount for each local government taxing jurisdiction for tax year 1997 is the amount determined under subsection (2)(a) multiplied by two unless the tax year 1997 market value of property described in 15-6-138, for the particular local government taxing jurisdiction, is more than the tax year 1995 market value for property described in 15-6-138 in the same jurisdiction.

——— (ii) If the tax year 1997 market value is greater than the tax year 1995 market value for a particular jurisdiction, then the reimbursement amount for tax year 1997 is the result of subtracting the simulated 1997 tax from the 1995 tax. The 1995 tax is the tax for the particular jurisdiction, determined by multiplying the actual taxable valuation of property described in 15-6-138, for tax year 1995, by the tax year 1995 mill levy for the jurisdiction. The simulated 1997 tax for the particular jurisdiction is the actual tax year 1997 taxable value of property described in 15-6-138 multiplied by the tax year 1995 mill levy for the particular jurisdiction. If the simulated 1997 tax is greater than the 1995 tax, the reimbursement amount is zero.

——— (d) (i) The reimbursement amount for each local government taxing jurisdiction for tax year 1998 is the amount determined under subsection (2)(a) multiplied by three unless the tax year 1998 market value of property described in 15-6-138, for the particular local government taxing jurisdiction, is more than the tax year 1995 market value for property described in 15-6-138 in the same jurisdiction.

——— (ii) If the tax year 1998 market value is greater than the tax year 1995 market value for a particular jurisdiction, then the reimbursement amount for tax year 1998 is the result of subtracting the simulated 1998 tax from the 1995 tax. The 1995 tax is the tax for the particular jurisdiction, determined by multiplying the actual taxable valuation of property described in 15-6-138, for tax year 1995, by the tax year 1995 mill levy for the jurisdiction. The simulated 1998 tax for the particular jurisdiction is the actual tax year 1998 taxable value of property described in 15-6-138 multiplied by the tax year 1995 mill levy for the particular jurisdiction. If the simulated 1998 tax is greater than the 1995 tax, the reimbursement amount is zero.

~~(3)~~(2) (a) For purposes of this section, "local government taxing jurisdiction" means a local government rather than a state taxing jurisdiction that levied mills against property described in 15-6-138, including county governments, incorporated city and town governments, consolidated county and city governments, tax increment financing districts, local elementary and high school districts, local community college districts, miscellaneous districts, and special districts. The term includes countywide mills levied for equalization of school retirement or transportation.

(b) The term does not include county or state school equalization levies provided for in 20-9-331, 20-9-333, 20-9-360, and 20-25-439.

(c) Each tax increment financing district must receive the benefit of the state mill on the incremental taxable value of the district.

~~(4)~~ County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of 1996 by an amount equal to 38% of the reimbursement amount determined under subsection (2)(a) for all of the local government taxing jurisdictions in the county.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

~~———— (5) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in December of 1996 by an amount equal to 31% of the reimbursement amount for tax year 1996 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).~~

~~———— (6) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of 1997 by an amount equal to 31% of the reimbursement amount for tax year 1996 for all of the local government taxing jurisdictions in the county and by an amount equal to 38% of the reimbursement amount for tax year 1997 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).~~

~~———— (7) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in December of 1997 by an amount equal to 31% of the reimbursement amount for tax year 1997 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).~~

~~———— (8) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of 1998 by an amount equal to 31% of the reimbursement amount for tax year 1997 for all of the local government taxing jurisdictions in the county and by an amount equal to 38% of the reimbursement amount for tax year 1998 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).~~

~~———— (9) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in December of 1998 by an amount equal to 31% of the reimbursement amount for tax year 1998 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).~~

~~———— (10) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of 1999 by an amount equal to 69% of the reimbursement amount for tax year 1998 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).~~

~~———— (11) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in December of the years 1999 through 2007 by an amount equal to 31% of the reimbursement amount determined in subsection (13) for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).~~

~~———— (12) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of the years 2000 through 2008 by an amount equal to 69% of the reimbursement amount determined in subsection (13) for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).~~

~~(13) (a) The reimbursement amount for tax year 1999 and each subsequent tax year for 9 years must be progressively reduced each year by 10% of the reimbursement amount for tax year 1998, according to the following schedule:~~

~~Tax Year~~

~~Percentage of 1998~~

~~-~~

~~Reimbursement Amount~~

~~1999~~

~~90~~

~~2000~~

~~80~~

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

2001

70

2002

60

2003

50

2004

40

2005

30

2006

20

2007

10

2008 and following years

0

~~_____ (b) The reimbursement amount for each tax year must be the basis for reducing the amount remitted to the state for the levy imposed under 20-9-360 in December of the same year and June of the following year.~~

~~_____ (14) The county treasurer shall use the funds from the reduced payment to the state for the levy imposed under 20-9-360 to reimburse each local government taxing jurisdiction in the amount determined by the department under subsection (2). The reimbursement must be distributed to funds within local government taxing jurisdictions in the same manner as taxes on property described in 15-6-138 are distributed. The reimbursement in June must be distributed based on the prior year's mill levy, and the reimbursement in December must be based on the current year's mill levy.~~

~~(15)(3)~~ Each local government taxing jurisdiction receiving reimbursements shall consider the amount of reimbursement that will be received and lower the mill levy otherwise necessary to fund the budget by the amount that would otherwise have to be raised by the mill levy.

~~(16)(4)~~ A local government taxing jurisdiction that ceases to exist after October 1, 1995, will no longer be considered for revenue loss or reimbursement purposes. A local government taxing jurisdiction that is created after January 1, 1996, will not be considered for revenue loss or reimbursement purposes. If a local government taxing jurisdiction that existed prior to January of 1996 is split between two or more taxing jurisdictions or is annexed to or is consolidated with another taxing jurisdiction, the department shall determine how much of the revenue loss and reimbursement is attributed to the new jurisdictions.""

Insert: **Section 44.** Section 15-1-409, MCA, is amended to read:

"15-1-409. Exclusion of property subject to property tax protest -- guarantee tax base -- tax refund. (1) A school district that has property subject to pending property tax protests shall, prior to February 1 of each year, elect whether to waive the school district's right to receive its portion of protested taxes for the previous year.

(2) ~~If the school district elects to waive its right to its portion of the protested taxes, the district's guaranteed tax base aid calculated under 20-9-366 must be determined based on the total taxable value of property in the school district that is not subject to a tax protest. Upon~~

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

settlement or other resolution of the protest, the department is responsible for refunding protested taxes or paying any other costs due the protesting taxpayer and retaining any portion of protested taxes that would have been distributed to the school district for each year the school district has elected to waive receiving its portion of the protested taxes."'

Insert: **Section 55.** Section 15-10-420, MCA, is amended to read:

"15-10-420. Procedure for calculating levy. (1) (a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's value of newly taxable property, plus one-half of the average rate of inflation for the prior 3 years.

(b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.

(c) For the purposes of subsection (1)(a), the department shall calculate one-half of the average rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit, including newly taxable property.

(3) (a) For purposes of this section, newly taxable property includes:

- (i) annexation of real property and improvements into a taxing unit;
- (ii) construction, expansion, or remodeling of improvements;
- (iii) transfer of property into a taxing unit;
- (iv) subdivision of real property; and
- (v) transfer of property from tax-exempt to taxable status.

(b) Newly taxable property does not include an increase in value that arises because of an increase in the incremental value within a tax increment financing district.

(4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the release of taxable value from the incremental taxable value of a tax increment financing district because of:

- (i) a change in the boundary of a tax increment financing district;
- (ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or
- (iii) the termination of a tax increment financing district.

(b) If a tax increment financing district terminates prior to the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax increment financing district terminates. If a tax increment financing district terminates after the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the following tax year.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(c) For the purpose of subsection (3)(a)(ii), the value of newly taxable class four property that was constructed, expanded, or remodeled property since the completion of the last reappraisal cycle is the current year market value of that property less the previous year market value of that property.

(d) For the purpose of subsection (3)(a)(iv), the subdivision of real property includes the first sale of real property that results in the property being taxable as class four property under 15-6-134 or as nonqualified agricultural land as described in 15-6-133(1)(c).

(5) Subject to subsection (8), subsection (1)(a) does not apply to:

(a) school district levies established in Title 20; or

(b) a mill levy imposed for a newly created regional resource authority.

(6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.

(7) In determining the maximum number of mills in subsection (1)(a), the governmental entity may increase the number of mills to account for a decrease in reimbursements.

(8) The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-108, ~~20-9-331~~, ~~20-9-333~~, 20-9-360, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the calculation must be rounded up to the nearest tenth of a mill.

(9) (a) The provisions of subsection (1) do not prevent or restrict:

(i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;

(ii) a levy to repay taxes paid under protest as provided in 15-1-402;

(iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326;

(iv) a levy for the support of a study commission under 7-3-184;

(v) a levy for the support of a newly established regional resource authority; or

(vi) the portion that is the amount in excess of the base contribution of a governmental entity's property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703.

(b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes actually assessed in a subsequent year.

(10) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time.

(11) The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for purposes of determining the elimination of property, new improvements, or newly taxable property in a governmental unit.""

Insert: **Section 66.** Section 15-24-1402, MCA, is amended to read:

"15-24-1402. New or expanding industry -- assessment -- notification. (1) In the first 5 years after a construction permit is issued, qualifying improvements or modernized processes that represent new industry or expansion of an existing industry, as designated in the approving resolution, must be taxed at 50% of their taxable value. Subject to 15-10-420, each year thereafter, the percentage must be increased by equal percentages until the full taxable

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

value is attained in the 10th year. In subsequent years, the property must be taxed at 100% of its taxable value.

(2) (a) In order for a taxpayer to receive the tax benefits described in subsection (1), the governing body of the affected county or the incorporated city or town must have approved by separate resolution for each project, following due notice as defined in 76-15-103 and a public hearing, the use of the schedule provided for in subsection (1) for its respective jurisdiction. The governing body may not grant approval for the project until all of the applicant's taxes have been paid in full. Taxes paid under protest do not preclude approval.

(b) Subject to 15-10-420, the governing body may end the tax benefits by majority vote at any time, but the tax benefits may not be denied an industrial facility that previously qualified for the benefits.

(c) The resolution provided for in subsection (2)(a) must include a definition of the improvements or modernized processes that qualify for the tax treatment that is to be allowed in the taxing jurisdiction. The resolution may provide that real property other than land, personal property, improvements, or any combination thereof is eligible for the tax benefits described in subsection (1).

(d) Property taxes abated from the reduction in taxable value allowed by this section are subject to recapture by the local governing body if the ownership or use of the property does not meet the requirements of 15-24-1401, this section, or the resolution required by subsections (2)(a) and (2)(c) of this section. The recapture is equal to the amount of taxes avoided, plus interest and penalties for nonpayment of property taxes provided in 15-16-102, during any period in which an abatement under the provisions of this section was in effect. The amount recaptured, including penalty and interest, must be distributed by the treasurer to funds and accounts subject to the abatement in the same ratio as the property tax was abated. A recapture of taxes abated by this section is not allowed with regard to property ceasing to qualify for the abatement by reason of an involuntary conversion. The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer.

(3) The taxpayer shall apply to the department for the tax treatment allowed under subsection (1). The application by the taxpayer must first be approved by the governing body of the appropriate local taxing jurisdiction, and the governing body shall indicate in its approval that the property of the applicant qualifies for the tax treatment provided for in this section. Upon receipt of the form with the approval of the governing body of the affected taxing jurisdiction, the department shall make the assessment change pursuant to this section.

(4) The tax benefit described in subsection (1) applies only to the number of mills levied and assessed for local high school district and elementary school district purposes and to the number of mills levied and assessed by the governing body approving the benefit over which the governing body has sole discretion. The benefit described in subsection (1) may not apply to levies or assessments required under Title 15, chapter 10, ~~20-9-331, 20-9-333, or 20-9-360~~ or otherwise required under state law.

(5) Prior to approving the resolution under this section, the governing body shall notify by certified mail all taxing jurisdictions affected by the tax benefit."

Insert: **Section 77.** Section 15-24-1703, MCA, is amended to read:

"15-24-1703. Application of suspension or cancellation. The suspension or cancellation of delinquent property taxes pursuant to this part:

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(1) applies to all mills levied in the county or otherwise required under state law, including levies or assessments required under Title 15, chapter 10, ~~20-9-331, and 20-9-333~~;

(2) does not apply to assessments made against property for the payment of bonds issued pursuant to Title 7, chapter 12."

Insert: **Section 88.** Section 15-24-1802, MCA, is amended to read:

"15-24-1802. Business incubator tax exemption -- procedure. (1) A business incubator owned or leased and operated by a local economic development organization is eligible for an exemption from property taxes as provided in this section.

(2) In order to qualify for the tax exemption described in this section, the governing body of the county, consolidated government, incorporated city or town, or school district in which the property is located shall approve the tax exemption by resolution, after due notice, as defined in 76-15-103, and hearing. The governing body may approve or disapprove the tax exemption provided for in subsection (1). If a tax exemption is approved, the governing body shall do so by a separate resolution for each business incubator in its respective jurisdiction. The governing body may not grant approval for the business incubator until all of the applicant's taxes have been paid in full or, if the property is leased to a business incubator, until all of the owner's property taxes on that property have been paid in full. Taxes paid under protest do not preclude approval. Prior to holding the hearing, the governing body shall determine that the local economic development organization:

(a) is a private, nonprofit corporation as provided in Title 35, chapter 2, and is exempt from taxation under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code;

(b) is engaged in economic development and business assistance work in the area; and

(c) owns or leases and operates or will operate the business incubator.

(3) Upon receipt of approval of the governing body of the affected taxing jurisdiction, the department shall make the assessment change for the tax exemption provided for in this section.

(4) The tax exemption described in subsection (1) applies only to the number of mills levied and assessed by the governing body approving the exemption over which the governing body has sole discretion. If the governing body of a county, consolidated government, or incorporated city or town approves the exemption, the exemption applies to levies and assessments required under Title 15, chapter 10, ~~20-9-331, or 20-9-333~~ or otherwise required under state law.

(5) Property taxes abated from the reduction in property taxes allowed by this section are subject to recapture by the local governing body if the ownership or use of the property does not meet the requirements of 15-24-1801, this section, or the resolution required by subsection (2) of this section. The recapture is equal to the amount of taxes avoided, plus interest and penalties for nonpayment of property taxes provided in 15-16-102, during any period in which an abatement under the provisions of this section was in effect. The amount recaptured, including penalty and interest, must be distributed by the treasurer to funds and accounts subject to the abatement in the same ratio as the property tax was abated. A recapture of taxes abated by this section is not allowed with regard to property ceasing to qualify for the abatement by reason of an involuntary conversion. The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Insert: **Section 99.** Section 15-24-1902, MCA, is amended to read:

"15-24-1902. Industrial park tax exemption -- procedure -- termination. (1) An industrial park owned and operated by a local economic development organization or a port authority is eligible for an exemption from property taxes as provided in this section.

(2) In order to qualify for the tax exemption described in this section, the governing body of the county, consolidated government, incorporated city or town, or school district in which the property is located shall approve the tax exemption by resolution, after due notice, as defined in 76-15-103, and hearing. The governing body may approve or disapprove the tax exemption provided for in subsection (1). If a tax exemption is approved, the governing body shall do so by a separate resolution for each industrial park in its respective jurisdiction. The governing body may not grant approval for the industrial park until all of the applicant's taxes have been paid in full. Taxes paid under protest do not preclude approval. Prior to holding the hearing, the governing body shall determine that:

(a) the local economic development organization:

(i) is a private, nonprofit corporation as provided in Title 35, chapter 2, and is exempt from taxation under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code;

(ii) is engaged in economic development and business assistance work in the area; and

(iii) owns and operates or will own and operate the industrial development park; or

(b) the port authority legally exists under the provisions of 7-14-1101 or 7-14-1102.

(3) Upon receipt of approval of the governing body of the affected taxing jurisdiction, the department shall make the assessment change for the tax exemption provided for in this section.

(4) The tax exemption described in subsection (1) applies only to the number of mills levied and assessed by the governing body approving the exemption over which the governing body has sole discretion. If the governing body of a county, consolidated government, or incorporated city or town approves the exemption, the exemption applies to levies or assessments required under Title 15, chapter 10, ~~20-9-331, or 20-9-333~~ or otherwise required under state law.

(5) If a local economic development organization sells, leases, or otherwise disposes of the exempt property to a purchaser or lessee that is not a local economic development organization or a unit of federal, state, or local government, the tax exemption provided in this section terminates. The termination of the exemption applies January 1 of the taxable year immediately following the sale, lease, or other disposition of the property. Upon termination of the exemption, the property must be assessed as provided in 15-16-203.

(6) Property taxes abated from the reduction in property taxes allowed by this section are subject to recapture by the local governing body if the ownership or use of the property does not meet the requirements of 15-24-1901, this section, or the resolution required by subsection (2) of this section. The recapture is equal to the amount of taxes avoided, plus interest and penalties for nonpayment of property taxes provided in 15-16-102, during any period in which an abatement under the provisions of this section was in effect. The amount recaptured, including penalty and interest, must be distributed by the treasurer to funds and accounts subject to the abatement in the same ratio as the property tax was abated. A recapture of taxes abated by this section is not allowed with regard to property ceasing to qualify for the abatement by reason of an involuntary conversion. The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

failure to meet the requirements is a result of circumstances beyond the control of the taxpayer.'"'

Insert: **Section 1010.** Section 15-24-2002, MCA, is amended to read:

"15-24-2002. Building and land tax exemption -- procedure -- termination. (1) A building and land owned by a local economic development organization that the local economic development organization intends to sell or lease to a profit-oriented, employment-stimulating business are eligible for an exemption from property taxes as provided in this section.

(2) In order to qualify for the tax exemption described in this section, the governing body of the affected county, consolidated government, incorporated city or town, or school district in which the building and land are located shall approve the tax exemption by resolution, after due notice, as defined in 76-15-103, and hearing. The governing body may approve or disapprove the tax exemption provided for in subsection (1). The governing body shall approve a tax exemption by a separate resolution. The governing body may not grant approval for the building and land until all of the applicant's taxes have been paid in full. Taxes paid under protest do not preclude approval. Prior to holding the hearing, the governing body shall determine that the local economic development organization:

(a) is a private, nonprofit corporation, as provided in Title 35, chapter 2, and is exempt from taxation under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code;

(b) is engaged in economic development and business assistance work in the area; and

(c) owns or will own the building and land.

(3) Upon receipt of approval of the governing body of the affected taxing jurisdiction, the department shall make the assessment change for the tax exemption provided for in this section.

(4) The tax exemption described in subsection (1) applies only to the number of mills levied and assessed by the governing body approving the exemption over which the governing body has sole discretion. If the governing body of a county, consolidated government, or incorporated city or town approves the exemption, the exemption applies to levies or assessments required under Title 15, chapter 10, ~~20-9-331, or 20-9-333~~ and other levies required under state law.

(5) When a local economic development organization sells, leases, or otherwise disposes of the exempt property to a purchaser or lessee that is not a local economic development organization or a unit of federal, state, or local government, the tax exemption provided in this section terminates. The termination of the exemption applies January 1 of the taxable year immediately following the sale, lease, or other disposition of the property. Upon termination of the exemption, the property must be assessed as provided in 15-16-203.

(6) Property taxes abated from the reduction in property taxes allowed by this section are subject to recapture by the local governing body if the ownership or use of the property does not meet the requirements of this section or the resolution required by subsection (2). The recapture is equal to the amount of taxes avoided, plus interest and penalties for nonpayment of property taxes provided in 15-16-102, during any period in which an abatement under the provisions of this section was in effect. The amount recaptured, including penalty and interest, must be distributed by the treasurer to funds and accounts subject to the abatement in the same ratio as the property tax was abated. A recapture of taxes abated by this section is not allowed with regard to property ceasing to qualify for the abatement by reason of an involuntary conversion. The recapture of abated taxes may be canceled, in whole or in part, if the local

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."''

Insert: **Section 1111.** Section 15-24-2102, MCA, is amended to read:

"15-24-2102. Reduction in assessment of taxable value of commercial and industrial property -- application -- approval. (1) (a) For property tax years 2009, 2010, and 2011, the governing bodies of a county or consolidated local government unit, incorporated city or town, if the property is located in the city or town, and school district may jointly reduce by 95% the taxable value of commercial real property improvements, personal property, or any combination of that property, other than land, that is subject to taxation. The reduction in taxable value under this section applies only to commercial or industrial property taxed under 15-6-134 or 15-6-138. A taxpayer that has not been operating the property for at least 6 months immediately preceding the request for reduction in taxable value and that does not intend to use the property for at least 6 months following the reduction in taxable value qualifies under this section.

(b) (i) Except as provided in subsection (1)(b)(ii), an application for the reduction in taxable value allowed under this section must be made to the affected local governing bodies by April 15 of the property tax year.

(ii) An application for the reduction in taxable value allowed under this section for property tax year 2009 must be made to the affected local governing bodies by May 15, 2009.

(c) For the purposes of 15-24-2103 and this section, a local governing body includes the board of trustees of a school district.

(2) (a) In order for a taxpayer to receive the tax benefits described in subsection (1), the governing bodies of the affected county or consolidated local government unit, incorporated city or town, if the property is located in the city or town, and school district must have approved by a separate, joint resolution for each commercial or industrial property, following due notice as defined in 76-15-103 and a public hearing, the taxable value reduction provided for in subsection (1) for the respective jurisdictions. The presiding officer of the governing body of the affected county or consolidated local government unit is the presiding officer of the joint meeting of the affected taxing jurisdictions. If the property is located in more than one county, the presiding officer of the governing body of the county in which most of the property is located is the presiding officer of the joint meeting.

(b) For the purpose of this subsection (2), each affected governing body shall provide due notice of the joint meeting.

(c) Subject to 15-10-420, the governing bodies may end the tax benefits by majority vote at any time, but the tax benefits may not be denied to a commercial or industrial business that previously qualified for the benefits in the tax year.

(d) The joint resolution provided for in subsection (2)(a) must include a description of the improvements and personal property that qualify for the tax treatment that is to be allowed in the taxing jurisdictions. The joint resolution may provide that commercial real property improvements, personal property, or any combination of that property, other than land, is eligible for the tax benefits described in subsection (1).

(3) The joint resolution must state that the reduction in taxable value is in the best interest of the governing body based on full disclosure of all pertinent financial information by the owner of the real and personal property as required by the local governing body. The joint

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

resolution must be approved by a majority vote of the governing body of each affected taxing jurisdiction referred to in subsection (2)(a).

(4) The governing bodies may refuse to reduce the taxable value of the property if they determine that the business is restructuring the ownership of the property for the primary purpose of escaping payment of property taxes or if the governing bodies determine that the reduction in taxable value is not in the best interest of the local governments.

(5) The reduction in taxable value granted by the joint resolution may be only for the current tax year. The governing bodies may grant a reduction in taxable value for the same owner of the property in the subsequent tax year under the provisions of this section, but they may not grant a reduction in taxable value for more than 3 tax years as provided in this section. The tax benefit granted under this section applies for the entire tax year.

(6) The tax benefits may not be granted under this section if the business owes delinquent property taxes for prior tax years.

(7) (a) If the reduction in taxable value is granted by a majority vote of the governing body of each affected taxing jurisdiction, the reduction applies only to mills levied in the affected county or consolidated local government unit, the affected incorporated city or town, and the affected school district.

(b) The benefit described in subsection (1) does not apply to levies or assessments required under Title 15, chapter 10, ~~20-9-331, 20-9-333,~~ or 20-9-360 or otherwise required under state law.

(8) Within 15 days of approving the joint resolution to grant a reduction of taxable value but not later than July 15 of the tax year for which the reduction is granted, the governing body of the affected county or consolidated local government unit shall notify the department of the approval by each of the affected governing bodies. Upon receipt of the notification of approval by the governing body of the affected county or consolidated local government unit, the department shall make the assessment change pursuant to this section for each affected taxing jurisdiction.""

Insert: **Section 1212.** Section 15-36-331, MCA, is amended to read:

"15-36-331. Distribution of taxes. (1) (a) For each calendar quarter, the department shall determine the amount of tax, late payment interest, and penalties collected under this part.

(b) For the purposes of distribution of oil and natural gas production taxes to county and school district taxing units under 15-36-332 and to the state, the department shall determine the amount of oil and natural gas production taxes paid on production in the taxing unit.

(2) (a) The amount of oil and natural gas production taxes collected for the privilege and license tax pursuant to 82-11-131 must be deposited, in accordance with the provisions of 17-2-124, in the state special revenue fund for the purpose of paying expenses of the board, as provided in 82-11-135.

(b) The amount of the tax allocated in 15-36-304(7)(b) for the oil and gas natural resource distribution account established in 90-6-1001(1) must be deposited in the account.

(3) (a) For each tax year, one-half of the amount of oil and natural gas production taxes determined under subsection (1)(b) is allocated to each county, ~~according to the following schedule:~~

~~Big Horn~~
~~45.05%~~

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Blaine
58.39%
Carbon
48.27%
Chouteau
58.14%
Custer
69.53%
Daniels
50.81%
Dawson
47.79%
Fallon
41.78%
Fergus
69.18%
Garfield
45.96%
Glacier
58.83%
Golden Valley
58.37%
Hill
64.51%
Liberty
57.94%
McCone
49.92%
Musselshell
48.64%
Petroleum
48.04%
Phillips
54.02%
Pondera
54.26%
Powder River
60.9%
Prairie
40.38%
Richland
47.47%
Roosevelt
45.71%
Rosebud
39.33%

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Sheridan
~~47.99%~~
Stillwater
~~53.51%~~
Sweet Grass
~~61.24%~~
Teton
~~46.1%~~
Toole
~~57.61%~~
Valley
~~51.43%~~
Wibaux
~~49.16%~~
Yellowstone
~~46.74%~~
All other counties
~~50.15%~~

(b) The oil and natural gas production taxes allocated to each county must be deposited in the state special revenue fund and transferred to each county for distribution, as provided in 15-36-332.

(4) The department shall, in accordance with the provisions of 17-2-124, distribute the state portion of oil and natural gas production taxes remaining after the distributions pursuant to subsections (2) and (3) as follows:

~~(a) for each fiscal year through the fiscal year ending June 30, 2011, to be distributed as follows:~~

~~—— (i) 1.23% to the coal bed methane protection account established in 76-15-904;~~

~~—— (ii) 1.45% to the natural resources projects state special revenue account established in 15-38-302;~~

~~—— (iii) 1.45% to the natural resources operations state special revenue account established in 15-38-301;~~

~~—— (iv) 2.99% to the orphan share account established in 75-10-743;~~

~~—— (v) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 15-10-108; and~~

~~—— (vi) all remaining proceeds to the state general fund;~~

~~(b) for fiscal years beginning after June 30, 2011, to be distributed as follows:~~

~~(i)(a) 2.16% to the natural resources projects state special revenue account established in 15-38-302;~~

~~(ii)(b) 2.02% to the natural resources operations state special revenue account established in 15-38-301;~~

~~(iii)(c) 2.95% to the orphan share account established in 75-10-743;~~

~~(iv)(d) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 15-10-108; and~~

~~(v)(e) all remaining proceeds to the state general fund guarantee account provided for in 20-9-622 for the core curriculum teacher payment as provided in [section 55]."~~

Insert: **Section 1313.** Section 15-36-332, MCA, is amended to read:

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

"15-36-332. Distribution of taxes to taxing units -- appropriation. (1) ~~(a)~~ By the dates referred to in subsection ~~(6)~~ (3), the department shall distribute oil and natural gas production taxes allocated under 15-36-331(3) to each eligible county.

~~(b) By the dates referred to in subsection (6), the department shall distribute the amount deposited in the oil and gas natural resource distribution account under 15-36-331(2)(b) as provided in subsection (8) of this section.~~

(2) ~~(a)~~ Each county treasurer shall distribute the amount of oil and natural gas production taxes designated under subsection (1)~~(a)~~, including the amounts referred to in subsection (2)(b); to funds within state and local taxing jurisdictions in the same manner as taxes on property described in 15-6-138 are distributed. The payments to be made by February 1, May 1, and August 1 must be distributed based on the prior year's mill levy, and the payment to be made by November 1 must be based on the current year's mill levy. the countywide elementary and high school retirement funds, countywide transportation funds, and eligible school districts according to the following schedule:

	Elementary School	High School	Countywide
	Retirement Districts	Retirement	Transportation
Big Horn	14.81% 26.99%	10.36%	2.99%
Blaine	5.86% 24.73%	2.31%	2.71%
Carbon	3.6% 49.18%	6.62%	1.31%
Chouteau	8.1% 23.79%	4.32%	3.11%
Custer	6.9% 31.25%	3.4%	1.19%
Daniels	0 48.48%	7.77%	3.92%
Dawson	5.53% 35.6%	2.5%	1.11%
Fallon	0 42.58%	7.63%	1.24%
Fergus	7.88% 53.25%	4.84%	2.08%
Garfield	4.04% 26.19%	3.13%	5.29%
Glacier	11.2% 46.11%	4.87%	3.01%
Golden Valley	0 54.65%	11.52%	2.77%
Hill	6.7% 49.87%	4.07%	1.59%
Liberty	4.9% 35.22%	4.56%	1.15%

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

McCone	4.18%	3.19%	2.58%
	43.21%		
Musselshell	5.98%	4.07%	3.53%
	32.17%		
Petroleum	0	11.92%	4.59%
	55.48%		
Phillips	0.43%	6.6%	1.08%
	41.29%		
Pondera	6.96%	5.06%	1.94%
	45.17%		
Powder River	3.96%	2.97%	4.57%
	22.25%		
Prairie	0	8.88%	1.63%
	36.9%		
Richland	4.1%	3.92%	2.26%
	43.77%		
Roosevelt	9.93%	7.37%	2.74%
	40.94%		
Rosebud	3.87%	2.24%	1.05%
	72.97%		
Sheridan	0	3.39%	2.22%
	47.63%		
Stillwater	6.87%	4.86%	1.63%
	41.16%		
Sweet Grass	6.12%	6.5%	2.4%
	37.22%		
Teton	6.88%	8.19%	3.8%
	29.43%		
Toole	2.78%	4.78%	1.3%
	43.56%		
Valley	2.26%	12.61%	4.63%
	41.11%		
Wibaux	0	4.1%	0.77%
	31.46%		
Yellowstone	7.98%	4.56%	1.07%
	52.77%		
All other counties	3.81%	7.84%	1.81%
	41.04%		

—— (b) (i) The county treasurer shall distribute 9.8% of the Custer County share to the countywide community college district in Custer County:

—— (ii) The county treasurer shall distribute 14.5% of the Dawson County share to the countywide community college district in Dawson County:

—— (3) The remaining oil and natural gas production taxes for each county must be used for the exclusive use and benefit of the county, including districts within the county established by the county:

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

~~———— (4) (a) The county treasurer shall distribute oil and natural gas production taxes to school districts in each county referred to in subsection (2) as provided in subsections (4)(b) through (4)(d):~~

~~———— (b) The amount distributed to each K-12 district within the county is equal to oil and natural gas production taxes in the county multiplied by the ratio that oil and natural gas production taxes attributable to oil and natural gas production in the K-12 school district bear to total oil and natural gas production taxes attributable to total oil and natural gas production in the county and multiply that amount by the school district percentage figure for the county referred to in subsection (2)(a):~~

~~———— (c) For the amount to be distributed to each elementary school district and to each high school district under subsection (4)(d), the department shall first determine the amount of oil and natural gas taxes in the high school district that is attributable to oil and natural gas production in each elementary school district that is located in whole or in part within the exterior boundaries of a high school district and multiply that amount by the school district percentage figure for the county referred to in subsection (2)(a):~~

~~———— (d) (i) The amount distributed to each elementary school district that is located in whole or in part within the exterior boundaries of a high school district is equal to the amount determined in subsection (4)(c) multiplied by the ratio that the total mills of the elementary school district bear to the sum of the total mills of the elementary school district and the total mills of the high school district.~~

~~———— (ii) The amount distributed to the high school district is equal to the amount determined in subsection (4)(c) multiplied by the ratio that the total mills of the high school district bear to the sum of the total mills of each elementary school district referred to in subsection (4)(c) and the total mills of the high school district.~~

~~———— (5) (a) Oil and natural gas production taxes calculated for each school district under subsections (4)(b) through (4)(d) must be distributed to each school district in the relative proportion of the mill levy for each fund:~~

~~———— (b) If a distribution under subsection (5)(a) exceeds the total budget for a school district fund, the board of trustees of an elementary or high school district may reallocate the excess to any budgeted fund of the school district.~~

~~(6)(3)~~ The department shall remit the amounts to be distributed in this section to the county treasurer by the following dates:

(a) On or before August 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending March 31 of the current year.

(b) On or before November 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending June 30 of the current year.

(c) On or before February 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending September 30 of the previous year.

(d) On or before May 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending December 31 of the previous year.

~~(7)(4)~~ The department shall provide to each county by May 31 of each year the amount of gross taxable value represented by all types of production taxed under 15-36-304 for the

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

previous calendar year multiplied by 60%. The resulting value must be treated as taxable value for county classification purposes under 7-1-2111.

~~(8) The department shall distribute the funds received under 15-36-331(2)(b) to counties based on county oil and gas production. Of the distribution to a county, one-third must be distributed to the county government and two-thirds must be distributed to incorporated cities and towns within the county. If there is more than one incorporated city or town within the county, the city and town allocation must be distributed to the cities and towns based on their relative populations.~~

~~(9)(5) The distributions to taxing units and to counties and incorporated cities and towns counties under this section are statutorily appropriated, as provided in 17-7-502, from the state special revenue fund."~~

Insert: Section 1414. Section 15-39-110, MCA, is amended to read:

"15-39-110. Distribution of taxes. (1) (a) For each semiannual period, the department shall determine the amount of tax, late payment interest, and penalties collected under this part from bentonite mines that produced bentonite before January 1, 2005. The tax is distributed as provided in subsections (2) through ~~(9)~~ (7).

(b) For each semiannual period, the department shall determine the amount of tax, late payment interest, and penalties collected under this part from bentonite mines that first began producing bentonite after December 31, 2004. The tax is distributed as provided in subsection ~~(10)~~ (8).

(2) The percentage of the tax determined under subsection (1)(a) and specified in subsections (3) through ~~(9)~~ (7) is allocated according to the following schedule:

(a) 2.33% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 15-10-108;

(b) 18.14% to the ~~state general fund~~ guarantee account provided for in 20-9-622 to be appropriated for the purposes of the tax levies as provided in 20-9-331, 20-9-333, and 20-9-360 core curriculum teacher payment;

(c) 3.35% to Carbon County to be distributed in proportion to current fiscal year mill levies in the taxing jurisdictions in which production occurs, except a distribution may not be made for county and state levies under 15-10-108, ~~20-9-331, 20-9-333, and 20-9-360;~~ and

(d) 76.18% to Carter County to be distributed in proportion to current fiscal year mill levies in the taxing jurisdictions in which production occurs, except a distribution may not be made for county and state levies under 15-10-108, ~~20-9-331, 20-9-333, and 20-9-360.~~

~~(3) For the production of bentonite occurring after December 31, 2008, and before January 1, 2010, 60% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 40% must be distributed as provided in subsection (10):~~

~~(4) For the production of bentonite occurring after December 31, 2009, and before January 1, 2011, 50% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 50% must be distributed as provided in subsection (10):~~

~~(5)(3) For the production of bentonite occurring after December 31, 2010, and before January 1, 2012, 40% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 60% must be distributed as provided in subsection (10)~~ (8).

~~(6)(4) For the production of bentonite occurring after December 31, 2011, and before January 1, 2013, 30% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 70% must be distributed as provided in subsection (10)~~ (8).

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

~~(7)~~(5) For the production of bentonite occurring after December 31, 2012, and before January 1, 2014, 20% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 80% must be distributed as provided in subsection ~~(10)~~ (8).

~~(8)~~(6) For the production of bentonite occurring after December 31, 2013, and before January 1, 2015, 10% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 90% must be distributed as provided in subsection ~~(10)~~ (8).

~~(9)~~(7) For the production of bentonite occurring in tax years beginning after December 31, 2014, 100% of the tax determined under subsection (1)(a) must be distributed as provided in subsection ~~(10)~~ (8).

~~(10)~~(8) For the production of bentonite, 100% of the tax determined under subsection (1)(b) and the distribution percentages determined under subsections (3) through ~~(9)~~ (7) are allocated according to the following schedule:

(a) 1.30% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 15-10-108;

(b) 20.75% to the ~~state general fund~~ guarantee account provided for in 20-9-622 to be appropriated for the purposes of the ~~tax levies as provided in 20-9-331, 20-9-333, and 20-9-360~~ core curriculum teacher payment as provided in [section 55];

(c) 77.95% to the county in which production occurred to be distributed in proportion to current fiscal year mill levies in the taxing jurisdictions in which production occurs, except a distribution may not be made for county and state levies under 15-10-108, ~~20-9-331, 20-9-333,~~ and 20-9-360.

~~(11)~~(9) The department shall remit the amounts to be distributed in this section to the county treasurer by the following dates:

(a) On or before October 1 of each year, the department shall remit the county's share of bentonite production tax payments received for the semiannual period ending June 30 of the current year to the county treasurer.

(b) On or before April 1 of each year, the department shall remit the county's share of bentonite production tax payments received to the county treasurer for the semiannual period ending December 31 of the previous year.

~~(12)~~(10) (a) The department shall also provide to each county the amount of gross yield of value from bentonite, including royalties, for the previous calendar year. Thirty-three and one-third percent of the gross yield of value must be treated as taxable value for county classification purposes under 7-1-2111 and for determining school district debt limits under 20-9-406.

(b) The percentage amount of the gross yield of value determined under subsection ~~(12)~~(a) (10)(a) must be treated as assessed value under 15-8-111 for the purposes of local government debt limits and other bonding provisions as provided by law.

~~(13)~~(11) The bentonite tax proceeds are statutorily appropriated, as provided in 17-7-502, to the department for distribution as provided in this section.""

Insert: **Section 1515.** Section 17-3-213, MCA, is amended to read:

"17-3-213. Allocation of forest reserve funds and other federal funds -- options provided in federal law. (1) The board of county commissioners in each county shall decide among payment options provided in subsections (2) through (6), as provided in Public Law 106-393 and Public Law 110-343, to determine how the forest reserve funds, Public Law

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

106-393 funds, and Public Law 110-343 funds apportioned to each county must be distributed by the county treasurer pursuant to this section.

(2) If a board of county commissioners chooses to receive a payment that is 25% of the revenue derived from national forest system lands, as provided in 16 U.S.C. 500, all funds received must be distributed as provided in subsection (5).

(3) (a) Except as provided in subsection (4), if a county elects to receive the county's full payment under Public Law 106-393, a minimum of 80% up to a maximum of 85% of the county's full payment must be designated by the county for distribution as provided in subsection (5).

(b) The balance not distributed pursuant to subsection (3)(a) may be allocated by the county in accordance with Public Law 106-393.

(4) If a county's full payment under Public Law 106-393 is less than \$100,000, the county may elect to distribute up to 100% of the payment as provided in subsection (5).

(5) The total amount designated by a county in accordance with subsection (3)(a) or (4) must be distributed as follows:

(a) to the general road fund, 66 2/3% of the amount designated;

(b) to the following countywide school levies, 33 1/3% of the amount designated:

~~(i) county equalization for elementary schools provided for in 20-9-331;~~

~~(ii) county equalization for high schools provided for in 20-9-333;~~

(i) the core curriculum teacher payment provided for in [section 55];

~~(iii)(ii) the county transportation fund provided for in 20-10-146; and~~

~~(iv)(iii) the elementary and high school district retirement fund obligations provided for in 20-9-501.~~

(6) The apportionment of money to the funds provided for under subsection (5)(b) must be made by the county superintendent based on the proportion that the mill levy of each fund bears to the total number of mills for all the funds. Whenever the total amount of money available for apportionment under subsection (5)(b) is greater than the total requirements of a levy, the excess money and any interest income must be retained in a separate reserve fund, to be reapportioned in the ensuing school fiscal year to the levies designated in subsection (5)(b).

(7) In counties in which special road districts have been created according to law, the board of county commissioners shall distribute a proportionate share of the 66 2/3% distributed under subsection (5)(a) for the general road fund to the special road districts within the county based upon the percentage that the total area of the road district bears to the total area of the entire county.

(8) Except as provided in subsection (9), if a county elects to receive the county's full payment under Public Law 110-343, not less than 80% but not more than 85% of the funds must be expended in the same manner as provided in subsection (5). A county may reserve not more than 7% of the county's full payment for projects in accordance with Title III of section 601 of Public Law 110-343. The balance of the funds may be:

(a) reserved for projects in accordance with Title II of section 601 of Public Law 110-343; or

(b) returned to the United States.

(9) (a) If a county's full payment is more than \$100,000 but less than or equal to \$350,000, the county may use all of the funds as provided in Title II or Title III of section 601 of Public Law 110-343 or return the funds to the United States.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(b) If a county's full payment is less than or equal to \$100,000, the county may elect to distribute up to 100% of the payment as provided in subsection (5)."

Insert: **Section 1616.** Section 17-7-140, MCA, is amended to read:

"17-7-140. Reduction in spending. (1) (a) As the chief budget officer of the state, the governor shall ensure that the expenditure of appropriations does not exceed available revenue. Except as provided in subsection (2), in the event of a projected general fund budget deficit, the governor, taking into account the criteria provided in subsection (1)(b), shall direct agencies to reduce spending in an amount that ensures that the projected ending general fund balance for the biennium will be at least 1% of all general fund appropriations during the biennium. An agency may not be required to reduce general fund spending for any program, as defined in each general appropriations act, by more than 10% during a biennium. Departments or agencies headed by elected officials or the board of regents may not be required to reduce general fund spending by a percentage greater than the percentage of general fund spending reductions required for the total of all other executive branch agencies. The legislature may exempt from a reduction an appropriation item within a program or may direct that the appropriation item may not be reduced by more than 10%.

(b) The governor shall direct agencies to manage their budgets in order to reduce general fund expenditures. Prior to directing agencies to reduce spending as provided in subsection (1)(a), the governor shall direct each agency to analyze the nature of each program that receives a general fund appropriation to determine whether the program is mandatory or permissive and to analyze the impact of the proposed reduction in spending on the purpose of the program. An agency shall submit its analysis to the office of budget and program planning and shall at the same time provide a copy of the analysis to the legislative fiscal analyst. The office of budget and program planning shall review each agency's analysis, and the budget director shall submit to the governor a copy of the office of budget and program planning's recommendations for reductions in spending. The budget director shall provide a copy of the recommendations to the legislative fiscal analyst at the time that the recommendations are submitted to the governor and shall provide the legislative fiscal analyst with any proposed changes to the recommendations. The legislative finance committee shall meet within 20 days of the date that the proposed changes to the recommendations for reductions in spending are provided to the legislative fiscal analyst. The legislative fiscal analyst shall provide a copy of the legislative fiscal analyst's review of the proposed reductions in spending to the budget director at least 5 days before the meeting of the legislative finance committee. The committee may make recommendations concerning the proposed reductions in spending. The governor shall consider each agency's analysis and the recommendations of the office of budget and program planning and the legislative finance committee in determining the agency's reduction in spending. Reductions in spending must be designed to have the least adverse impact on the provision of services determined to be most integral to the discharge of the agency's statutory responsibilities.

(2) Reductions in spending for the following may not be directed by the governor:

- (a) payment of interest and principal on state debt;
- (b) the legislative branch;
- (c) the judicial branch;
- (d) the school BASE funding program, ~~including special education~~;
- (e) the state or federal portion of over-BASE funding as provided in 20-9-306(8);

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

- (e)(f) salaries of elected officials during their terms of office; and
(f)(g) the Montana school for the deaf and blind.

(3) (a) As used in this section, "projected general fund budget deficit" means an amount, certified by the budget director to the governor, by which the projected ending general fund balance for the biennium is less than:

(i) 2% of the general fund appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;

(ii) 3/4 of 1% in October of the year preceding a legislative session;

(iii) 1/2 of 1% in January of the year in which a legislative session is convened; and

(iv) 1/4 of 1% in March of the year in which a legislative session is convened.

(b) In determining the amount of the projected general fund budget deficit, the budget director shall take into account revenue, established levels of appropriation, anticipated supplemental appropriations for school equalization aid, and anticipated reversions.

(4) If the budget director determines that an amount of actual or projected receipts will result in an amount less than the amount projected to be received in the revenue estimate established pursuant to 5-5-227, the budget director shall notify the revenue and transportation interim committee of the estimated amount. Within 20 days of notification, the revenue and transportation interim committee shall provide the budget director with any recommendations concerning the amount. The budget director shall consider any recommendations of the revenue and transportation interim committee prior to certifying a projected general fund budget deficit to the governor.""

Insert: **Section 1717.** Section 17-7-301, MCA, is amended to read:

"17-7-301. Authorization to expend during first year of biennium from appropriation for second year -- proposed supplemental appropriation defined -- limit on second-year expenditures. (1) An agency may make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium if authorized by the general appropriations act. An agency that is not authorized in the general appropriations act to make first-year expenditures may be granted spending authorization by the approving authority upon submission and approval of a proposed supplemental appropriation to the approving authority. The proposal submitted to the approving authority must include a plan for reducing expenditures in the second year of the biennium that allows the agency to contain expenditures within appropriations. If the approving authority finds that, due to an unforeseen and unanticipated emergency, the amount actually appropriated for the first fiscal year of the biennium with all other income will be insufficient for the operation and maintenance of the agency during the year for which the appropriation was made, the approving authority shall, after careful study and examination of the request and upon review of the recommendation for executive branch proposals by the budget director, submit the proposed supplemental appropriation to the legislative fiscal analyst.

(2) The plan for reducing expenditures required by subsection (1) is not required if the proposed supplemental appropriation is:

(a) due to an unforeseen and unanticipated emergency for fire suppression;

(b) requested by the superintendent of public instruction, in accordance with the provisions of 20-9-351, and is to complete the state's funding of guaranteed tax base aid, the core curriculum teacher payment or transportation aid, or equalization aid to elementary and secondary schools for the current biennium; or

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(c) requested by the attorney general and:

(i) is to pay the costs associated with litigation in which the department of justice is required to provide representation to the state of Montana; or

(ii) in accordance with the provisions of 7-32-2242, is to pay costs for which the department of justice is responsible for confinement of an arrested person in a detention center.

(3) Upon receipt of the recommendation of the legislative finance committee pursuant to 17-7-311, the approving authority may authorize an expenditure during the first fiscal year of the biennium to be made from the appropriation for the second fiscal year of the biennium. Except as provided in subsection (2), the approving authority shall require the agency to implement the plan for reducing expenditures in the second year of the biennium that contains agency expenditures within appropriations.

(4) The agency may expend the amount authorized by the approving authority only for the purposes specified in the authorization.

(5) The approving authority shall report to the next legislature in a special section of the budget the amounts expended as a result of all authorizations granted by the approving authority and shall request that any necessary supplemental appropriation bills be passed.

(6) As used in this part, "proposed supplemental appropriation" means an application for authorization to make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium.

(7) (a) Except as provided in subsections (2) and (7)(b), an agency may not make expenditures in the second year of the biennium that, if carried on for the full year, will require a deficiency appropriation, commonly referred to as a "supplemental appropriation".

(b) An agency shall prepare and, to the extent feasible, implement a plan for reducing expenditures in the second year of the biennium that contains agency expenditures within appropriations. The approving authority is responsible for ensuring the implementation of the plan. If, in the second year of a biennium, mandated expenditures that are required by state or federal law will cause an agency to exceed appropriations or available funds, the agency shall reduce all nonmandated expenditures pursuant to the plan in order to reduce to the greatest extent possible the expenditures in excess of appropriations or funding. An agency may not transfer funds between fund types in order to implement a plan."

Insert: **Section 1818.** Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604;

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

19-20-607; 19-21-203; 20-8-107; ~~20-9-534~~; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-10-103; 82-11-161; 87-1-230; 87-1-603; 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30, 2015; pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30, 2013; and pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019.)""

Insert: **Section 1919.** Section 20-1-301, MCA, is amended to read:

"20-1-301. School fiscal year. (1) The school fiscal year begins on July 1 and ends on June 30. At least the minimum aggregate hours defined in subsection (2) must be conducted during each school fiscal year, except that 1,050 aggregate hours of pupil instruction for graduating seniors may be sufficient.

(2) The minimum aggregate hours required by grade are:

(a) 360 hours for a half-time kindergarten program or 720 hours for a full-time kindergarten program, as provided in 20-7-117;

(b) 720 hours for grades 1 through 3; and

(c) 1,080 hours for grades 4 through 12.

(3) For any elementary or high school district that fails to provide for at least the minimum aggregate hours, as listed in subsections (1) and (2), the superintendent of public instruction shall reduce the ~~direct state aid~~ core curriculum teacher payment for the district for that school year ~~by two times an hourly rate, as calculated by the office of public instruction, by~~ 1% for the aggregate hours missed.""

Insert: **Section 2020.** Section 20-2-121, MCA, is amended to read:

"20-2-121. Board of public education -- powers and duties. The board of public education shall:

(1) effect an orderly and uniform system for teacher certification and specialist certification and for the issuance of an emergency authorization of employment by adopting the policies prescribed by 20-4-102 and 20-4-111;

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(2) consider the suspension or revocation of teacher or specialist certificates and appeals from the denial of teacher or specialist certification in accordance with the provisions of 20-4-110;

(3) administer and order the distribution of BASE aid in accordance with the provisions of 20-9-344;

(4) adopt and enforce policies to provide uniform standards and regulations for the design, construction, and operation of school buses in accordance with the provisions of 20-10-111;

(5) adopt policies prescribing the conditions when school may be conducted on Saturday and the types of pupil-instruction-related days and approval procedure for those days in accordance with the provisions of 20-1-303 and 20-1-304;

(6) ~~adopt standards of accreditation and~~ establish the accreditation status of every school in accordance with the provisions of 20-7-101 and 20-7-102;

(7) approve or disapprove educational media selected by the superintendent of public instruction for the educational media library in accordance with the provisions of 20-7-201;

(8) adopt policies for the conduct of special education in accordance with the provisions of 20-7-402;

(9) adopt rules for issuance of documents certifying equivalency of completion of secondary education in accordance with 20-7-131;

(10) adopt policies for the conduct of programs for gifted and talented children in accordance with the provisions of 20-7-903 and 20-7-904;

(11) adopt rules for student assessment in the public schools; and

(12) perform any other duty prescribed from time to time by this title or any other act of the legislature.""

Insert: **Section 2121.** Section 20-3-106, MCA, is amended to read:

"20-3-106. Supervision of schools -- powers and duties. The superintendent of public instruction has the general supervision of the public schools and districts of the state and shall perform the following duties or acts in implementing and enforcing the provisions of this title:

(1) resolve any controversy resulting from the proration of costs by a joint board of trustees under the provisions of 20-3-362;

(2) issue, renew, or deny teacher certification and emergency authorizations of employment;

(3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of 20-5-314;

(4) approve or disapprove the opening or reopening of a school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-505;

(5) approve or disapprove school isolation within the limitations prescribed by 20-9-302;

(6) generally supervise the school budgeting procedures prescribed by law in accordance with the provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of 20-9-103 and 20-9-506;

(7) establish a system of communication for calculating joint district revenue in accordance with the provisions of 20-9-151;

(8) approve or disapprove the adoption of a district's budget amendment resolution under the conditions prescribed in 20-9-163 and adopt rules for an application for additional

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

~~direct state~~ BASE aid for a budget amendment in accordance with the approval and disbursement provisions of 20-9-166;

(9) generally supervise the school financial administration provisions as prescribed by 20-9-201(2);

(10) prescribe and furnish the annual report forms to enable the districts to report to the county superintendent in accordance with the provisions of 20-9-213(6) and the annual report forms to enable the county superintendents to report to the superintendent of public instruction in accordance with the provisions of 20-3-209;

(11) approve, disapprove, or adjust an increase of the average number belonging (ANB) in accordance with the provisions of 20-9-313 and 20-9-314;

(12) distribute BASE aid and special education allowable cost payments in support of the BASE over-BASE funding program in accordance with the provisions of ~~20-9-331, 20-9-333, 20-9-342, 20-9-346, and 20-9-347; and 20-9-366 through 20-9-369;~~

(13) provide for the uniform and equal provision of transportation by performing the duties prescribed by the provisions of 20-10-112;

(14) request, accept, deposit, and expend federal money in accordance with the provisions of 20-9-603;

(15) authorize the use of federal money for the support of an interlocal cooperative agreement in accordance with the provisions of 20-9-703 and 20-9-704;

(16) prescribe the form and contents of and approve or disapprove interstate contracts in accordance with the provisions of 20-9-705;

(17) recommend standards of accreditation for all schools to the ~~board of public education~~ legislature and evaluate compliance with the standards and recommend accreditation status of every school to the board of public education in accordance with the provisions of 20-7-101 and 20-7-102;

(18) collect and maintain a file of curriculum guides and assist schools with instructional programs in accordance with the provisions of 20-7-113 and 20-7-114;

(19) establish and maintain a library of visual, aural, and other educational media in accordance with the provisions of 20-7-201;

(20) license textbook dealers and initiate prosecution of textbook dealers violating the law in accordance with the provisions of the textbooks part of this title;

(21) as the governing agent and executive officer of the state of Montana for K-12 career and vocational/technical education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;

(22) supervise and coordinate the conduct of special education in the state in accordance with the provisions of 20-7-403;

(23) administer the traffic education program in accordance with the provisions of 20-7-502;

(24) administer the school food services program in accordance with the provisions of 20-10-201 through 20-10-203;

(25) review school building plans and specifications in accordance with the provisions of 20-6-622;

(26) provide schools with information and technical assistance for compliance with the student assessment rules provided for in 20-2-121 and collect and summarize the results of the student assessment for the board of public education and the legislature;

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(27) upon request and in compliance with confidentiality requirements of state and federal law, disclose to interested parties all school district student assessment data for a test required by the board of public education; and

~~(28) administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through 20-9-369; and~~

(28) perform any other duty prescribed from time to time by this title, any other act of the legislature, or the policies of the board of public education."

Insert: **Section 2222.** Section 20-3-205, MCA, is amended to read:

"20-3-205. Powers and duties. (1) The county superintendent has general supervision of the schools of the county within the limitations prescribed by this title and shall perform the following duties or acts:

(a) determine, establish, and reestablish trustee nominating districts in accordance with the provisions of 20-3-352, 20-3-353, and 20-3-354;

(b) administer and file the oaths of members of the boards of trustees of the districts in the county in accordance with the provisions of 20-3-307;

(c) register the teacher or specialist certificates or emergency authorization of employment of any person employed in the county as a teacher, specialist, principal, or district superintendent in accordance with the provisions of 20-4-202;

(d) file a copy of the audit report for a district in accordance with the provisions of 20-9-203;

(e) classify districts in accordance with the provisions of 20-6-201 and 20-6-301;

(f) keep a transcript of the district boundaries of the county;

(g) fulfill all responsibilities assigned under the provisions of this title regulating the organization, alteration, or abandonment of districts;

(h) act on any unification proposition and, if approved, establish additional trustee nominating districts in accordance with 20-6-312 and 20-6-313;

(i) estimate the average number belonging (ANB) and anticipated enrollment of an opening school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-506;

(j) process and, when required, act on school isolation applications in accordance with the provisions of 20-9-302;

(k) complete the budgets, compute the budgeted revenue and tax levies, file final budgets and budget amendments, and fulfill other responsibilities assigned under the provisions of this title regulating school budgeting systems;

(l) submit an annual financial report to the superintendent of public instruction in accordance with the provisions of 20-9-211;

(m) monthly, unless otherwise provided by law, order the county treasurer to apportion state money, county school money, and any other school money subject to apportionment in accordance with the provisions of 20-9-212, 20-9-347, 20-10-145, or 20-10-146;

(n) act on any request to transfer average number belonging (ANB) in accordance with the provisions of 20-9-313(1)(c);

(o) calculate the estimated budgeted general fund sources of revenue in accordance with the general fund revenue provisions of the general fund part of this title;

(p) compute the revenue and compute the district and county levy requirements for each fund included in each district's final budget and report the computations to the board of

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

county commissioners in accordance with the provisions of the general fund, transportation, bonds, and other school funds parts of this title;

(q) file and forward bus driver certifications, transportation contracts, and state transportation reimbursement claims in accordance with the provisions of 20-10-103, 20-10-143, or 20-10-145;

(r) for districts that do not employ a district superintendent or principal, recommend library book and textbook selections in accordance with the provisions of 20-7-204 or 20-7-602;

(s) notify the superintendent of public instruction of a textbook dealer's activities when required under the provisions of 20-7-605 and otherwise comply with the textbook dealer provisions of this title;

(t) act on district requests to allocate federal money for indigent children for school food services in accordance with the provisions of 20-10-205;

(u) perform any other duty prescribed from time to time by this title, any other act of the legislature, the policies of the board of public education, the policies of the board of regents relating to community college districts, or the rules of the superintendent of public instruction;

(v) administer the oath of office to trustees without the receipt of pay for administering the oath;

(w) keep a record of official acts, preserve all reports submitted to the superintendent under the provisions of this title, preserve all books and instructional equipment or supplies, keep all documents applicable to the administration of the office, and surrender all records, books, supplies, and equipment to the next superintendent;

(x) within 90 days after the close of the school fiscal year, publish an annual report in the county newspaper stating the following financial information for the school fiscal year just ended for each district of the county:

(i) the total of the cash balances of all funds maintained by the district at the beginning of the year;

(ii) the total receipts that were realized in each fund maintained by the district;

(iii) the total expenditures that were made from each fund maintained by the district; and

(iv) the total of the cash balances of all funds maintained by the district at the end of the school fiscal year; and

(y) hold meetings for the members of the trustees from time to time at which matters for the good of the districts must be discussed.

(2) (a) When a district in one county annexes a district in another county, the county superintendent of the county where the annexing district is located shall perform the duties required by this section.

(b) When two or more districts in more than one county consolidate, the duties required by this section must be performed by the county superintendent designated in the same manner as other county officials in 20-9-202."

Insert: **Section 2323.** Section 20-3-324, MCA, is amended to read:

"20-3-324. Powers and duties. As prescribed elsewhere in this title, the trustees of each district shall:

(1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district superintendent, the county high school principal, or other principal as the board considers necessary, accepting or rejecting any recommendation as the trustees in their sole discretion determine, in accordance with the provisions of Title 20, chapter 4;

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(2) employ and dismiss administrative personnel, clerks, secretaries, teacher's aides, custodians, maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel considered necessary to carry out the various services of the district;

(3) administer the attendance and tuition provisions and govern the pupils of the district in accordance with the provisions of the pupils chapter of this title;

(4) call, conduct, and certify the elections of the district in accordance with the provisions of the school elections chapter of this title;

(5) participate in the teachers' retirement system of the state of Montana in accordance with the provisions of the teachers' retirement system chapter of Title 19;

(6) participate in district boundary change actions in accordance with the provisions of the school districts chapter of this title;

(7) organize, open, close, or acquire isolation status for the schools of the district in accordance with the provisions of the school organization part of this title;

(8) adopt and administer the annual budget or a budget amendment of the district in accordance with the provisions of the school budget system part of this title;

(9) conduct the fiscal business of the district in accordance with the provisions of the school financial administration part of this title;

(10) establish the ANB, the core curriculum teacher payment calculation, BASE budget levy, over-BASE budget levy, additional levy, and operating reserve, and state impact aid amounts for the general fund of the district in accordance with the provisions of the general fund part of this title;

(11) establish, maintain, budget, and finance the transportation program of the district in accordance with the provisions of the transportation parts of this title;

(12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the provisions of the bonds parts of this title;

(13) when applicable, establish, financially administer, and budget for the tuition fund, retirement fund, building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous programs fund, building fund, lease or rental agreement fund, traffic education fund, impact aid fund, interlocal cooperative fund, and other funds as authorized by the state superintendent of public instruction in accordance with the provisions of the other school funds parts of this title;

(14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises in accordance with the provisions of the miscellaneous financial parts of this title;

(15) hold in trust, acquire, and dispose of the real and personal property of the district in accordance with the provisions of the school sites and facilities part of this title;

(16) operate the schools of the district in accordance with the provisions of the school calendar part of this title;

(17) set the length of the school term, school day, and school week in accordance with 20-1-302;

(18) establish and maintain the instructional services of the schools of the district in accordance with the provisions of the instructional services, textbooks, K-12 career and vocational/technical education, and special education parts of this title;

(19) establish and maintain the school food services of the district in accordance with the provisions of the school food services parts of this title;

(20) make reports from time to time as the county superintendent, superintendent of public instruction, and board of public education may require;

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(21) retain, when considered advisable, a physician or registered nurse to inspect the sanitary conditions of the school or the general health conditions of each pupil and, upon request, make available to any parent or guardian any medical reports or health records maintained by the district pertaining to the child;

(22) for each member of the trustees, visit each school of the district not less than once each school fiscal year to examine its management, conditions, and needs, except that trustees from a first-class school district may share the responsibility for visiting each school in the district;

(23) procure and display outside daily in suitable weather on school days at each school of the district an American flag that measures not less than 4 feet by 6 feet;

(24) provide that an American flag that measures approximately 12 inches by 18 inches be prominently displayed in each classroom in each school of the district, except in a classroom in which the flag may get soiled. This requirement is waived if the flags are not provided by a local civic group.

(25) adopt and administer a district policy on assessment for placement of any child who enrolls in a school of the district from a nonpublic school that is not accredited, as required in 20-5-110;

(26) upon request and in compliance with confidentiality requirements of state and federal law, disclose to interested parties school district student assessment data for any test required by the board of public education;

(27) consider and may enter into an interlocal agreement with a postsecondary institution, as defined in 20-9-706, that authorizes 11th and 12th grade students to obtain credits through classes available only at a postsecondary institution;

(28) approve or disapprove the conduct of school on a Saturday in accordance with the provisions of 20-1-303;

(29) consider and, if advisable for a high school or K-12 district, establish a student financial institution, as defined in 32-1-115; and

(30) perform any other duty and enforce any other requirements for the government of the schools prescribed by this title, the policies of the board of public education, or the rules of the superintendent of public instruction."

Insert: **Section 2424.** Section 20-3-363, MCA, is amended to read:

"20-3-363. Interdistrict agreements -- fund transfers. (1) The trustees of any two school districts that have unified pursuant to 20-6-312, any two school districts that have created a joint board of trustees pursuant to 20-3-361, or a high school district and any elementary school district associated with that high school district may enter into an interdistrict agreement to provide for the joint funding and operation and maintenance of both districts upon the terms and conditions as may be mutually agreed to by the districts subject to the conditions of this section. An agreement must be approved by the board of trustees of both districts by February 1 of the current fiscal year.

(2) All expenditures in support of the interdistrict agreement may be made from the interlocal cooperative fund as specified in 20-9-703 and 20-9-704. Each district may transfer funds into the interlocal cooperative fund from the general fund of the district. Transfers to the interlocal cooperative fund from each school district are limited to an amount not to exceed the ~~direct state aid~~ core curriculum teacher payment in support of the respective school district's general fund and must be completed by February 1 of the current fiscal year.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(3) Expenditures from the interlocal cooperative fund under this section are limited to those expenditures that are permitted by law and that are within the final budget for the general fund from which the transfer was made.""

Insert: **Section 2525.** Section 20-4-203, MCA, is amended to read:

"20-4-203. Teacher tenure. (1) Except as provided in 20-4-208, whenever a teacher has been elected by the offer and acceptance of a contract for the fourth consecutive year of employment by a district in a position requiring teacher certification except as a district superintendent or specialist, the teacher is considered to be reelected from year to year as a tenured teacher at the same salary and in the same or a comparable position of employment as that provided by the last-executed contract with the teacher unless the trustees resolve by majority vote of their membership to terminate the services of the teacher in accordance with the provisions of 20-4-204.

(2) The tenure of a teacher with a district may not be impaired upon termination of services of the teacher if the following conditions exist:

(a) the tenure teacher is terminated because the financial condition of the district requires a reduction in the number of teachers employed; and

(b) continued employment rights are provided for in a collectively bargained contract of the district.

(3) (a) For the purposes of subsection (1), "same salary" means the daily rate of pay, excluding benefits and excluding stipends for nonteaching duties, multiplied by the number of days worked under the last-executed contract with the teacher, up to the total number of days funded by the state in the per-ANB entitlements, as provided in 20-9-311, including pupil-instruction-related days. The calculation of daily rate of pay is determined by dividing the salary in the last-executed contract with the teacher for pupil-instruction and pupil-instruction-related days, excluding benefits and excluding stipends for nonteaching duties, by the total number of contracted days under the last-executed contract.

(b) The definition of same salary may be modified if negotiated and agreed to in a collective bargaining agreement executed by the district and the teacher's exclusive representative pursuant to Title 39, chapter 31, or in an individual contract between the district and a teacher in a district in which the teachers have no exclusive representative as provided in Title 39, chapter 31.

(4) Upon receiving tenure, the employment of a teacher may be terminated for good cause.""

Insert: **Section 2626.** Section 20-4-501, MCA, is amended to read:

"20-4-501. Quality Certified educator loan assistance program. There is a quality certified educator loan assistance program administered by the board of regents through the office of the commissioner of higher education. The program must provide for the direct repayment of educational loans of eligible quality certified educators in accordance with policies and procedures adopted by the board of regents in accordance with this part.""

Insert: **Section 2727.** Section 20-4-502, MCA, is amended to read:

"20-4-502. Definitions. For purposes of this part, unless the context requires otherwise, the following definitions apply:

(1) (a) "Certified educator" means a full-time equivalent educator, as reported to the superintendent of public instruction for accreditation purposes in the current school year, who holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

subsection (1)(b) in a position that requires an educator license in accordance with administrative rules adopted by the board of public education.

(b) For purposes of subsection (1)(a), an entity means:

(i) a school district;

(ii) an education cooperative;

(iii) the Montana school for the deaf and blind, as described in 20-8-101;

(iv) the Montana youth challenge program; and

(v) a state youth correctional facility, as defined in 41-5-103.

~~(1)(2)~~ "Education cooperative" means a cooperative of Montana public schools as described in 20-7-451.

~~(2)(3)~~ "Educational loans" means all loans made pursuant to a federal loan program, except federal parent loans for undergraduate students (PLUS) loans, as provided in 20 U.S.C. 1078-2.

~~(3)(4)~~ "Federal loan program" means educational loans authorized by 20 U.S.C. 1071, et seq., 20 U.S.C. 1087a, et seq., and 20 U.S.C. 1087aa, et seq.

~~(4) (a) "Quality educator" means a full-time equivalent educator, as reported to the superintendent of public instruction for accreditation purposes in the current school year, who:~~

~~—— (i) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (4)(b) in a position that requires an educator license in accordance with administrative rules adopted by the board of public education; or~~

~~—— (ii) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-17-302, 37-22-301, 37-23-201, 37-24-301, or 37-25-302 and is employed by an entity listed in subsection (4)(b) of this section to provide services to students.~~

~~—— (b) For purposes of subsection (4)(a), an entity means:~~

~~—— (i) a school district;~~

~~—— (ii) an education cooperative;~~

~~—— (iii) the Montana school for the deaf and blind, as described in 20-8-101;~~

~~—— (iv) the Montana youth challenge program; and~~

~~—— (v) a state youth correctional facility, as defined in 41-5-103.~~

~~(5) "School district" means a public school district, as provided in 20-6-101 and 20-6-701."~~

Insert: **Section 2828.** Section 20-4-503, MCA, is amended to read:

"20-4-503. Critical quality certified educator shortages. (1) The board of public education, in consultation with the office of public instruction, shall identify:

(a) specific schools that are impacted by critical quality certified educator shortages; and

(b) within the schools identified in subsection (1)(a), the specific quality certified educator licensure or endorsement areas that are impacted by critical quality certified educator shortages.

(2) The board of public education shall publish an annual report listing the schools and the licensure or endorsement areas identified as impacted by critical quality certified educator shortages, explaining the reasons that specific schools and licensure or endorsement areas have been identified and providing information regarding any success in retention.

(3) Quality certified educators working at schools identified in subsection (1) are eligible for repayment of all or part of the quality certified educator's outstanding educational loans

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

existing at the time of application in accordance with the eligibility and award criteria established under this part.""

Insert: Section 2929. Section 20-4-504, MCA, is amended to read:

"20-4-504. Loan repayment assistance. Loan repayment assistance may be provided on behalf of a quality certified educator who:

(1) is employed in an identified school described in 20-4-503(1); and

(2) has an educational loan that is not in default and that has a minimum unpaid current balance of at least \$1,000 at the time of application.""

Insert: Section 3030. Section 20-4-505, MCA, is amended to read:

"20-4-505. Loan repayment assistance documentation. (1) A quality certified educator shall submit an application for loan repayment assistance to the board of regents in accordance with policies and procedures adopted by the board of regents. The application must include official verification or proof of the applicant's total unpaid accumulated educational loan debt and other documentation required by the board of regents that is necessary for verification of the applicant's eligibility.

(2) A quality certified educator is eligible for loan repayment assistance for up to a maximum of 4 years. The total annual loan repayment assistance for an eligible quality certified educator may not exceed \$3,000. The board of regents may require an eligible quality certified educator to provide documentation that the quality certified educator has exhausted repayment assistance from other federal, state, or local loan forgiveness, discharge, or repayment incentive programs.

(3) The board of regents may remit payment of the loan on behalf of the quality certified educator in accordance with the requirements of this part and policies and procedures adopted by the board of regents.""

Insert: Section 3131. Section 20-4-506, MCA, is amended to read:

"20-4-506. Funding -- priorities. (1) If the funding for this part in any year is less than the total amount for which Montana quality certified educators qualify, the board of regents shall provide preference in the award of loan repayment assistance to quality certified educators working in the specific schools that are most impacted by quality certified educator shortages identified as provided in 20-4-503.

(2) This part may not be construed to require the provision of loan repayment assistance without an express appropriation for that purpose. This part may not be construed to require loan repayment assistance for school years prior to July 1, 2007.""

Insert: Section 3232. Section 20-5-323, MCA, is amended to read:

"20-5-323. Tuition and transportation rates. (1) Except as provided in subsections (2) through (5), whenever a child has approval to attend a school outside of the child's district of residence under the provisions of 20-5-320 or 20-5-321, the rate of tuition charged for a Montana resident student may not exceed 20% of the ~~per-ANB maximum rate established in 20-9-306~~ per- student program costs for the year of attendance.

(2) The tuition for a child with a disability must be determined under rules adopted by the superintendent of public instruction for the calculation of tuition for special education pupils.

(3) The tuition rate for out-of-district placement pursuant to 20-5-321(1)(d) and (1)(e) for a student without disabilities who requires a program with costs that exceed the average district costs must be determined as the actual individual costs of providing that program according to the following:

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(a) the district of attendance and the district, person, or entity responsible for the tuition payments shall approve an agreement with the district of attendance for the tuition cost;

(b) for a Montana resident student, 80% of ~~the maximum per-ANB rate established in 20-9-306, received in the year for which the tuition charges are calculated, must be subtracted from the per-student program costs for a Montana resident student; and~~

(c) the maximum tuition rate paid to a district under this section may not exceed \$2,500 ~~per ANB the per-student program costs.~~

(4) When a child attends a public school of another state or province, the amount of daily tuition may not be greater than the average annual cost for each student in the child's district of residence. This calculation for tuition purposes is determined by totaling all of the expenditures for all of the district budgeted funds for the preceding school fiscal year and dividing that amount by the October 1 enrollment in the preceding school fiscal year. For the purposes of this subsection, the following do not apply:

(a) placement of a child with a disability pursuant to Title 20, chapter 7, part 4;

(b) placement made in a state or province with a reciprocal tuition agreement pursuant to 20-5-314;

(c) an order issued under Title 40, chapter 4, part 2; or

(d) out-of-state placement by a state agency.

(5) When a child is placed by a state agency in an out-of-state residential facility, the state agency making the placement is responsible for the education costs resulting from the placement.

(6) The amount, if any, charged for transportation may not exceed the lesser of the average transportation cost for each student in the child's district of residence or 35 cents a mile. The average expenditures for the district transportation fund for the preceding school fiscal year must be calculated by dividing the transportation fund expenditures by the October 1 enrollment for the preceding fiscal year.""

Insert: **Section 3333.** Section 20-5-324, MCA, is amended to read:

"20-5-324. Tuition report and payment provisions. (1) Following the close of each school fiscal year, the trustees of a district shall report to the superintendent of public instruction:

(a) the name and district of residence of each child who attended a school of the district under a mandatory out-of-district attendance agreement approved under the provisions of 20-5-321(1)(d) or (1)(e) in the previous school year;

(b) the number of days of enrollment for each child reported under the provisions of subsection (1)(a);

(c) the annual tuition rate for each child's tuition payment, as determined under the provisions of 20-5-323, and the tuition cost for each child reported under the provisions of subsection (1)(a);

(d) the names, districts of attendance, and amount of tuition paid by the district for resident students attending public schools out of state in the previous school year; and

(e) the names, schools of attendance, and amount of tuition to be paid by the district for resident students attending day-treatment programs under approved individualized education programs at private, nonsectarian schools in the previous school year.

(2) Subject to the limitations of 20-5-323, the superintendent of public instruction shall:

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(a) pay the district of attendance the amount of the tuition obligation reported under subsection (1)(c), prorated for the actual days of enrollment;

(b) determine the total ~~per-ANB entitlement~~ per-student program costs for which the district would have been eligible if the students reported in subsections (1)(d) and (1)(e) had been enrolled in the resident district in the prior year; and

(c) reimburse the district of residence for the state portion of the ~~per-ANB entitlement~~ per-student program costs for each student, not to exceed the district's actual payment of tuition or fees for service for the student in the previous year.

(3) In order to be eligible to receive payment under subsection (2), the trustees of the district of attendance shall submit the report required by subsection (1) within the school fiscal year following the year of attendance.

(4) Notwithstanding the requirements of subsection (5)(a), tuition payment provisions for out-of-district placement of students with disabilities must be determined pursuant to Title 20, chapter 7, part 4.

(5) (a) (i) When a child has approval to attend a school outside the child's district of residence at the resident district's expense under the provisions of 20-5-320 or 20-5-321(1)(a) or (1)(b) or when a child has approval to attend a day-treatment program under an approved individualized education program at a private, nonsectarian school located in or outside of the child's district of residence, the district of residence shall finance the tuition amount from the district tuition fund and any transportation amount from the transportation fund.

(ii) By December 31 of the school fiscal year following the year of attendance, the district of residence shall pay at least one-half of any tuition and transportation obligation established under subsection (5)(a)(i) out of the money realized to date from the district tuition or transportation fund. The remaining tuition and transportation obligation must be paid by June 15 of the school fiscal year following the year of attendance.

(b) When a child has approval to attend a school outside the child's district of residence because of a parent's or guardian's request under the provisions of 20-5-320 or 20-5-321(1)(c), the parent or guardian of the child shall finance the tuition and transportation amount.

(6) (a) Except as provided in subsections (6)(b) through (6)(d), the district shall credit tuition receipts to the district general fund and transportation receipts to the transportation fund.

(b) Any tuition receipts received under the provisions of 20-5-323(3) for the current school fiscal year that exceed the tuition receipts of the prior year may be deposited in the district miscellaneous programs fund and must be used for that year in the manner provided for in 20-9-507 to support the costs of the program for which the tuition was received.

(c) Any tuition receipts received for the current school fiscal year for a pupil who is a child with a disability that exceed the tuition amount received for a pupil without disabilities may be deposited in the district miscellaneous programs fund and must be used for that year in the manner provided for in 20-9-507 to support the costs of the program for which the tuition was received.

(d) Any other tuition receipts received for the current school fiscal year that exceed the tuition receipts of the prior year may be deposited in the district miscellaneous programs fund and may be used for that year in the manner provided for in that fund. For the ensuing school fiscal year, the receipts must be credited to the district general fund budget.

(7) The reimbursements paid under subsection (2)(c) must be deposited into the district tuition fund and must be used by the district to pay obligations for resident students attending public schools out of state or for resident students attending day-treatment programs under

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

approved individualized education programs at private, nonsectarian schools at district expense.

(8) The provisions of this section do not apply to out-of-state placements made by a state agency pursuant to 20-7-422."

"

Insert: **Section 3434.** Section 20-6-326, MCA, is amended to read:

"20-6-326. Procedure for creation of high school district solely for expansion into K-12 school district -- trustee resolution. (1) An existing elementary district may create a high school district solely for the purpose of expanding an elementary district into a K-12 district only if:

(a) the nearest elementary school building is located at a distance of at least 40 miles from the nearest accessible high school;

(b) the trip from the nearest elementary school building to the nearest accessible high school is 60 minutes or more over the shortest passable route;

(c) periodically during the school year, the condition of the road makes it impractical to attend the nearest accessible high school; and

(d) at least 50 high school students reside in the elementary district; and

(e) the taxable valuation and boundaries of the combining elementary and high school district are the same.

(2) The creation of a new high school district may be requested by the trustees of an existing elementary district through passage of a resolution that includes the information outlined in 20-6-105(3) and requests the county superintendent to order an election to allow the electors of the elementary district to consider the proposition to create a high school district solely for the purpose of expanding the elementary school district into a K-12 district. Approval of the proposition results in a tax levy for payments as provided in subsection (6)(b).

(3) If the proposition for the expansion and the transition levy provided for in 20-9-502(6) is approved by the electors of the elementary district and the trustees issue a certificate of election as provided in 20-20-416, the county superintendent shall order the creation of the high school district and oversee the expansion of the high school district into a K-12 district pursuant to 20-6-701.

(4) The county superintendent shall send a copy of the order to the board of county commissioners and to the trustees of the districts affected by the creation of the district.

(5) If a new district is created, the effective date of its creation is the following July 1. The trustees of the elementary district must be designated as the trustees of the new K-12 district.

(6) Until the first school fiscal year in which the new K-12 district enrolls high school students in all grades, the existing high school district shall provide high school instruction to students residing in the newly created K-12 district with the K-12 district paying the existing high school district:

(a) tuition and transportation charged pursuant to the provisions of 20-5-320 and 20-5-321; and

(b) an amount equal to the ~~BASE~~ general fund mills for the existing high school district assessed against the taxable valuation in the new K-12 district and funded using a building reserve fund levy for transition costs as provided in 20-9-502. The payment to the existing high

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

school district must be deposited in the district general fund ~~and used to reduce the BASE budget levy for transition costs.~~

(7) If bonded indebtedness has been approved by the voters of the existing high school district prior to April 12, 2007, but the bonds have not been sold prior to the creation of the new K-12 district, then the future indebtedness of those bonds when those bonds are sold must be paid by levies on the original territory.

(8) If the K-12 school district does not open and operate a high school within 3 years after the effective date of the creation of the new district, the order of the county superintendent creating a new district under this section is void, the new district ceases to exist, and the trustees of the new district have no capacity to act. Those trustees retain authority as trustees of the elementary district.""

Insert: **Section 3535.** Section 20-6-502, MCA, is amended to read:

"20-6-502. Opening or reopening of elementary school. The trustees of any elementary district may open or reopen an elementary school of the district when the opening or reopening has been approved in accordance with the following procedure:

(1) The parents of at least two pupils who would attend the opened or reopened school petition the trustees of the district to open or reopen a school. The petition must identify the school, state the reasons for requesting the opening or reopening, and give the names of the children who would attend the school.

(2) If the trustees approve the opening or reopening of a school, they shall send the petition with a copy of their approval resolution to the county superintendent. The county superintendent shall review the petition to determine if the ~~average number belonging (ANB) of the school would be two~~ anticipated number of students would be 10 or more. If the trustees plan to open or reopen the school during the current school fiscal year, the trustees shall include the proposed opening date in the approval resolution and shall request that the process outlined in this section be expedited.

(3) The county superintendent shall present the petition, the trustees' approval, and the county superintendent's findings on the probable ANB and anticipated number of students to be enrolled to the board of county commissioners for their consideration. The board shall deny the opening or reopening of any school if the county superintendent's enrollment estimate for the school is less than ~~two ANB~~ 10. In all other cases, the board may approve or disapprove the requested opening or reopening of the elementary school.

(4) (a) If the board approves a school opening or reopening, the county superintendent shall send a copy of the approval, along with the petition, the trustees' approval, and the county superintendent's estimate of the probable ANB and the number of students to be enrolled, to the superintendent of public instruction. Except under the circumstances described in subsection (4)(b), the trustees shall apply to the superintendent of public instruction for approval to open or reopen the school by June 1 prior to the beginning of the school year in which they intend to open or reopen the elementary school. The superintendent of public instruction shall approve or disapprove the requested opening or reopening of the elementary school by the fourth Monday of June. If the opening or reopening is approved, the superintendent of public instruction shall approve or adjust the ANB estimate or enrolled student estimate of the county superintendent for the school and the ANB amount and core curriculum teacher payment calculation must be used for budgeting and BASE funding program purposes during the ensuing school fiscal year. ~~An ANB amount~~ Funding may not be approved for the ensuing

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

school fiscal year for an opening or reopening school when the request for the school has not been received by the superintendent of public instruction by June 1.

(b) (i) If the opening or reopening is approved and the trustees want to open or reopen the school during the current school fiscal year, the trustees shall submit a budget request to the superintendent of public instruction for that portion of the fiscal year in which the school will be in operation prior to the ensuing school fiscal year. The superintendent of public instruction shall approve or adjust the budget request and shall fund the budget for the portion of the school year in which the school will be in operation.

(ii) Before a school may open or reopen during the current school fiscal year, the school must be classified as an isolated school in accordance with the provisions of 20-9-302, except that the dates in that section for the submission and approval of the application for classification do not apply and the application must be made at the same time that the application for opening or reopening the school is made.""

Insert: **Section 3636.** Section 20-6-503, MCA, is amended to read:

"20-6-503. Opening or reopening of a high school. (1) The trustees of any high school district may open or reopen a high school of the district or a branch of a high school of the district when ~~such the~~ opening or reopening has been approved by the superintendent of public instruction; ¹ except that when a county high school is discontinued by a unification action, the trustees may establish, by resolution, a high school to be operated by the high school district without further action or approval. When the trustees of a high school district resolve to open or reopen a high school, they shall apply to the superintendent of public instruction for approval to open or reopen ~~such the~~ school by June 1 before the school fiscal year in which they intend to open or reopen the high school. ~~Such The~~ application ~~shall must~~ state:

(a) their reasons why the high school should be opened or reopened;
(b) the probable enrollment of ~~such the~~ high school;
(c) the distance and road conditions of the route to neighboring high schools;
(d) the taxable value of the district;
(e) the building and equipment facilities available for ~~such the~~ high school;
(f) the planned course of instruction for ~~such the~~ high school;
(g) the planned methods of complying with high school standards of accreditation; and
(h) any other information that may be required by the superintendent of public instruction.

(2) The superintendent of public instruction shall investigate the application for the opening or reopening of a high school and shall approve or disapprove the opening of the high school before the fourth Monday of June preceding the first year of intended operation. If the opening is approved, the high school district trustees may open ~~such the~~ high school.

(3) Whenever the opening or reopening of a high school is approved for the ensuing school fiscal year, the county superintendent shall estimate the average number belonging (ANB) and the anticipated number of students to be enrolled after investigating the probable enrollment for the high school. The ANB and the anticipated enrollment determined by the county superintendent ~~shall must~~ be used for budgeting and BASE funding program purposes.

(4) Nothing ~~herein~~ contained ~~shall in this section may~~ be construed ~~so as~~ to preclude the trustees of a high school district from establishing more than one high school in the district.""

Insert: **Section 3737.** Section 20-6-504, MCA, is amended to read:

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

"20-6-504. Opening of a junior high school. (1) The trustees of any elementary district and the trustees of the high school district in which ~~such the~~ elementary district is located may open a junior high school when ~~such the~~ opening has been approved by the superintendent of public instruction; except that when the high school district operates a county high school, the opening of a junior high school shall must be approved under the provisions of 20-6-505.

(2) When the trustees of ~~such the~~ districts resolve to open a junior high school, they shall jointly apply to the superintendent of public instruction for approval to open ~~such the~~ school by June 1 before the school fiscal year in which they intend to open the junior high school. The application ~~shall must~~ contain ~~such the~~ information ~~as is~~ required under 20-6-503 for an application to open a high school.

(3) The superintendent of public instruction shall investigate the application for the opening of a junior high school and shall approve or disapprove the opening of the junior high school before the fourth Monday of June preceding the first year of intended operation. If the opening is approved, the trustees of the elementary district and the high school district may jointly open ~~such the~~ school.

(4) Whenever the opening of a junior high school is approved for the ensuing school fiscal year, the county superintendent shall estimate the average number belonging (ANB) and the anticipated number of students to be enrolled after investigating the probable enrollment for the junior high school. The ANB and the anticipated enrollment determined by the county superintendent ~~shall must~~ be used for budgeting and BASE funding program purposes during the ensuing school fiscal year.""

Insert: **Section 3838.** Section 20-6-506, MCA, is amended to read:

"20-6-506. Budgeting and cost sharing when junior high school operated by elementary district and high school district operating county high school. (1) Whenever the opening of a junior high school is approved for the ensuing school fiscal year under 20-6-505, the county superintendent shall estimate the average number belonging (ANB) and the anticipated number of students to be enrolled after investigating the probable enrollment for the junior high school. The ANB and the anticipated enrollment determined by the county superintendent and the ANB and enrollment actually realized in subsequent school fiscal years must be applied to prorate the BASE funding program amount between the elementary and high school districts. Each district shall adopt its general fund budget on the basis of the prorated amount and shall finance its proportionate share of the cost of operating the junior high school.

(2) The cost of operating the junior high school must be prorated between the elementary district and the high school district on the basis of the ratio that the number of pupils of their district is to the total enrollment of the junior high school.""

Insert: **Section 3939.** Section 20-6-507, MCA, is amended to read:

"20-6-507. Opening of middle school. The trustees of any elementary district may open a middle school when ~~such the~~ opening has been approved by the superintendent of public instruction. The state superintendent shall investigate an application for the opening of a middle school and shall approve or disapprove the opening before the fourth Monday in June preceding the first year of intended operation. When a middle school opening is approved, the county superintendent shall estimate the ANB and the anticipated number of students to be enrolled after investigating the probable enrollment for the middle school. The estimated ANB

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

and ~~so~~ estimated ~~shall~~ enrollment must be used for budgeting and BASE funding program purposes during the ensuing school fiscal year.""

Insert: Section 4040. Section 20-6-702, MCA, is amended to read:

"20-6-702. Funding for K-12 school districts. (1) Notwithstanding the provisions of subsections (2) through (6), a K-12 school district formed under the provisions of 20-6-701 is subject to the provisions of law for high school districts.

(2) The number of elected trustees of the K-12 school district must be based on the classification of the attached elementary district under the provisions of 20-3-341 and 20-3-351.

(3) Calculations for the following core curriculum teacher payment as provided in [section 55] must be made separately for the elementary school program and the high school program of a K-12 school district:.

~~(a) the~~ The calculation of ANB for purposes of determining the total per-ANB entitlements for special education and countywide school transportation grants must be in accordance with the provisions of 20-9-311;.

~~(b) the basic county tax for elementary equalization and revenue for the elementary BASE funding program for the district must be determined in accordance with the provisions of 20-9-331, and the basic county tax for high school equalization and revenue for the high school BASE funding program for the district must be determined in accordance with 20-9-333; and~~

~~(c) the guaranteed tax base aid for BASE funding program purposes for a K-12 school district must be calculated separately, using each district's guaranteed tax base ratio, as defined in 20-9-366. The BASE budget levy to be levied for the K-12 school district must be prorated based on the ratio of the BASE funding program amounts for elementary school programs to the BASE funding program amounts for high school programs.~~

(4) The retirement obligation and eligibility for retirement ~~guaranteed tax base aid~~ for a K-12 school district must be calculated and funded as a high school district retirement obligation under the provisions of 20-9-501.

(5) For the purposes of budgeting for a K-12 school district, the trustees shall adopt a single fund for any of the budgeted or nonbudgeted funds described in 20-9-201 for the costs of operating all grades and programs of the district.

(6) Tuition for attendance in the K-12 school district must be determined separately for high school pupils and for elementary pupils under the provisions of 20-5-320 through 20-5-324, except that the actual expenditures used for calculations in 20-5-323 must be based on an amount prorated between the elementary and high school programs in the appropriate funds of each district in the year prior to the attachment of the districts.""

Insert: Section 4141. Section 20-7-101, MCA, is amended to read:

"20-7-101. Standards of accreditation. ~~(4)~~ Standards of accreditation for all schools, as determined by the legislature, must be adopted by the board of public education upon the recommendations of the superintendent of public instruction.

~~(2) Prior to adoption or amendment of any accreditation standard, the board shall submit each proposal to the education and local government interim committee for review. The interim committee shall request a fiscal analysis to be prepared by the legislative fiscal division. The legislative fiscal division shall provide its analysis to the interim committee and to the office of budget and program planning to be used in the preparation of the executive budget.~~

~~(3) If the fiscal analysis of the proposal is found by the legislative fiscal division to have a substantial fiscal impact, the board may not implement the standard until July 1 following the~~

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

~~next regular legislative session and shall request that the same legislature fund implementation of the proposed standard. A substantial fiscal impact is an amount that cannot be readily absorbed in the budget of an existing school district program.~~

~~(4) Standards for the retention of school records must be as provided in 20-1-212."~~

Insert: **Section 4242.** Section 20-7-102, MCA, is amended to read:

"20-7-102. Accreditation of schools. (1) The conditions under which each elementary school, ~~each~~ middle school, ~~each~~ junior high school, 7th and 8th ~~grades funded at high school rates~~ grade program, and ~~each~~ high school operates must be reviewed by the superintendent of public instruction to determine compliance with the standards of accreditation. The accreditation status of each school must then be established by the board of public education upon the recommendation of the superintendent of public instruction. Notification of the accreditation status for the applicable school year or years must be given to each district by the superintendent of public instruction.

(2) A school may be accredited for a period consisting of 1, 2, 3, 4, or 5 school years, except that multiyear accreditation may be granted only to schools that are in compliance with 20-4-101.

(3) A nonpublic school may, through its governing body, request that the board of public education accredit the school. Nonpublic schools may be accredited in the same manner as provided in subsection (1).

~~(4) As used in this section, "7th and 8th grades funded at high school rates" means an elementary school district or K-12 district elementary program whose 7th and 8th grades are funded as provided in 20-9-306(14)(c)(ii)."~~

Insert: **Section 4343.** Section 20-7-111, MCA, is amended to read:

"20-7-111. Instruction in public schools. The ~~board of public education~~ legislature shall define and specify the basic instructional program for pupils in public schools, and ~~such that~~ that program ~~shall~~ must be set forth in the standards of accreditation. Other instruction may be given when approved by ~~the~~ a school district board of trustees."

Insert: **Section 4444.** Section 20-7-117, MCA, is amended to read:

"20-7-117. Kindergarten and preschool programs. (1) The trustees of an elementary district shall establish or make available a kindergarten program capable of accommodating, at a minimum, all the children in the district who will be 5 years old on or before September 10 of the school year for which the program is to be conducted or who have been enrolled by special permission of the board of trustees. The kindergarten program, which the trustees may designate as either a half-time or full-time program, must be an integral part of the elementary school and must be financed and governed accordingly, provided that to be eligible for inclusion in the calculation of ANB pursuant to 20-9-311, a child must have reached 5 years of age on or before September 10 of the school year covered by the calculation or have been enrolled by special permission of the board of trustees. A kindergarten program must meet the minimum aggregate hour requirements established in 20-1-301. A kindergarten program that is designated as a full-time program must allow a parent, guardian, or other person who is responsible for the enrollment of a child in school, as provided in 20-5-102, to enroll the child half-time.

(2) The trustees of an elementary school district may establish and operate a free preschool program for children between the ages of 3 and 5 years. When preschool programs are established, they must be an integral part of the elementary school and must be governed

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

accordingly. Financing of preschool programs may not be supported by money available from state ~~equalization aid~~ BASE aid.""

Insert: Section 4545. Section 20-7-401, MCA, is amended to read:

"20-7-401. Definitions. In this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Child with a disability" means a child evaluated in accordance with the regulations of the Individuals With Disabilities Education Act as having a disability and who because of the disability needs special education and related services.

(2) "Free appropriate public education" means special education and related services that:

(a) are provided at public expense under public supervision and direction and without charge;

(b) meet the accreditation standards of the ~~board of public education~~ legislature, the special education requirements of the superintendent of public instruction, and the requirements of the Individuals With Disabilities Education Act;

(c) include preschool, elementary school, and high school education in Montana; and

(d) are provided in conformity with an individualized education program that meets the requirements of the Individuals With Disabilities Education Act.

(3) "Related services" means services in accordance with regulations of the Individuals With Disabilities Education Act that are required to assist a child with a disability to benefit from special education.

(4) "Special education" means specially designed instruction, given at no cost to the parents or guardians, to meet the unique needs of a child with a disability, including but not limited to instruction conducted in a classroom, home, hospital, institution, or other setting and instruction in physical education.

(5) "Surrogate parent" means an individual appointed to safeguard a child's rights and protect the child's interests in educational evaluation, placement, and hearing or appeal procedures concerning the child.""

Insert: Section 4646. Section 20-7-420, MCA, is amended to read:

"20-7-420. Residency requirements -- financial responsibility for special education. (1) Except for a pupil attending the Montana youth challenge program or a job corps program pursuant to 20-9-707, a child's district of residence for special education purposes must be determined in accordance with the provisions of 1-1-215, unless otherwise determined by the court. This applies to a child living at home, in an institution, or under foster care. If the parent has left the state, the parent's last-known district of residence is the child's district of residence.

(2) The superintendent of public instruction is financially responsible for tuition and transportation as established under 20-5-323 and 20-5-324 for a child with a disability, as defined in 20-7-401, who attends school outside the district and county of residence because the student has been placed in a foster care or group home licensed by the state. The superintendent of public instruction is not financially responsible for tuition and transportation for a child who is placed by a state agency in an out-of-state public school or an out-of-state private residential facility.

(3) If an eligible child, as defined in 20-7-436, is receiving inpatient treatment in an in-state residential treatment facility or children's psychiatric hospital, as defined in 20-7-436,

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

and the educational services are provided by a public school district under the provisions of 20-7-411 or 20-7-435, the superintendent of public instruction shall reimburse the district providing the services for the negotiated amount, as established pursuant to 20-7-435(5), that represents the district's costs of providing education and related services. Payments must be made from funds appropriated for this purpose. If the negotiated amount exceeds the daily membership rate under 20-7-435(3) and any ~~per-ANB amount of direct state aid~~ per-student program costs, the superintendent of public instruction shall pay the remaining balance from available funds. However, the amount spent from available funds for this purpose may not exceed \$500,000 during a biennium.

(4) A state agency that makes a placement of a child with a disability is responsible for the financial costs of room and board and the treatment of the child. The state agency that makes an out-of-state placement of a child with a disability is responsible for the education fees required to provide a free appropriate public education that complies with the requirements of Title 20, chapter 7, part 4."

"

Insert: **Section 4747.** Section 20-7-701, MCA, is amended to read:

"20-7-701. Definition of adult basic education and adult education. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Adult basic education" means instruction in basic skills, such as reading, writing, arithmetic, and other skills required to function in society, offered to persons 16 years of age or older who are not regularly enrolled, full-time K-12 pupils ~~for the purposes of ANB computation~~. Adult basic education may include any subject normally offered in the basic curricula of an accredited elementary or secondary school in the state.

(2) "Adult education" means the instruction of persons 16 years of age or older who are not regularly enrolled, full-time K-12 pupils ~~for the purposes of ANB computation~~."

Insert: **Section 4848.** Section 20-7-714, MCA, is amended to read:

"20-7-714. County adult literacy programs -- authorization to levy tax and establish fund. (1) (a) Subject to 15-10-420, the governing body of a county may, in its discretion, establish a fund and levy a tax on the taxable value of all taxable property in the county for the support of county literacy programs that give first priority to providing direct instruction to adults. The tax levy is in addition to all other tax levies and is subject to limitations on property taxes set forth in 15-10-402.

(b) The fund may be used only for the support of adult literacy programs within the county.

(2) (a) If a county levies a property tax for adult literacy programs, the county governing body shall appoint a county adult literacy board to administer the expenditure of funds from the county adult literacy fund established in subsection (1).

(b) The county adult literacy board shall coordinate all adult literacy programs receiving county adult literacy funds. The board may adopt policies concerning program standards and financial accountability for organizations receiving adult literacy funds. The board may require that adult literacy programs match adult literacy funds with federal, state, or private money. The board may, with the concurrence of the appropriate county officials, arrange for county in-kind services to support adult literacy programs.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(c) County adult literacy funding may be expended only on literacy programs for persons who are 16 years of age or older and who are not regularly enrolled, full-time K-12 pupils for the purposes of ANB computation.""

Insert: **Section 4949.** Section 20-9-104, MCA, is amended to read:

"20-9-104. General fund operating reserve. (1) At the end of each school fiscal year, the trustees of each district shall designate the portion of the general fund end-of-the-year fund balance that is to be earmarked as operating reserve for the purpose of paying general fund warrants issued by the district from July 1 to November 30 of the ensuing school fiscal year. Except as provided in subsections (5) and (6), the amount of the general fund balance that is earmarked as operating reserve may not exceed 10% of the final general fund budget for the ensuing school fiscal year.

(2) The amount held as operating reserve may not be used for property tax reduction in the manner permitted by 20-9-141(1)(b) for other receipts.

(3) Excess reserves as provided in subsection (5) may be appropriated to reduce the ~~BASE budget levy, the over-BASE budget levy, or the additional levy provided by 20-9-353.~~

(4) Any portion of the general fund end-of-the-year fund balance that is not reserved under subsection (2) or reappropriated under subsection (3) is fund balance reappropriated and must be used for property tax reduction as provided in 20-9-141(1)(b).

(5) The limitation of subsection (1) does not apply when the amount in excess of the limitation is equal to or less than the unused balance of any amount:

(a) received in settlement of tax payments protested in a prior school fiscal year;

(b) received in taxes from a prior school fiscal year as a result of a tax audit by the department of revenue or its agents; or

(c) received in delinquent taxes from a prior school fiscal year.

(6) The limitation of subsection (1) does not apply when the amount earmarked as operating reserve is \$10,000 or less.""

Insert: **Section 5050.** Section 20-9-141, MCA, is amended to read:

"20-9-141. Computation of general fund over-BASE net levy requirement by county superintendent. (1) The county superintendent shall compute the levy requirement for each district's general fund over-BASE budget on the basis of the following procedure:

(a) Determine the funding required for the district's final general fund budget less the ~~sum of direct state aid core curriculum teacher payment, and the special education allowable cost payment for the district by totaling:~~

~~(i) the district's nonisolated school BASE budget requirement to be met by a district levy as provided in 20-9-303; and~~

~~——— (ii) any general fund budget amount adopted by the trustees of the district under the provisions of 20-9-308 and 20-9-353.~~

(b) Determine the money available for the reduction of the property tax on the district for the ~~general fund~~ over-BASE by totaling:

(i) the general fund balance reappropriated, as established under the provisions of 20-9-104;

(ii) amounts received in the last fiscal year for which revenue reporting was required for each of the following:

(A) interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4); and

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(B) any other revenue received during the school fiscal year that may be used to finance the general fund; ~~excluding any guaranteed tax base aid;~~

~~_____ (iii) anticipated oil and natural gas production taxes;~~

~~(iv)(iii)~~ pursuant to subsection (4), anticipated revenue from coal gross proceeds under 15-23-703; and

~~(v)(iv)~~ school district block grants distributed under 20-9-630;

~~_____ (v) the special education allowable cost payment for the district;~~

~~_____ (c) Notwithstanding the provisions of subsection (2), subtract the money available to reduce the property tax required to finance the general fund that has been determined in subsection (1)(b) from any general fund budget amount adopted by the trustees of the district, up to the BASE budget amount, to determine the general fund BASE budget levy requirement.~~

~~(d)(vi) Determine the sum of any amount remaining after the determination in subsection (1)(c) and any tuition payments for out-of-district pupils to be received under the provisions of 20-5-320 through 20-5-324, except the amount of tuition received for a pupil who is a child with a disability in excess of the amount received for a pupil without disabilities, as calculated under 20-5-323(2); and~~

~~_____ (vii) and other funds available to the district for the reduction of the over-BASE budget levy.~~

~~(e)(c) Subtract the amount determined in subsection (1)(d) (1)(b) from any additional funding requirement to be met by an over-BASE budget amount, a district levy as provided in 20-9-303, and any additional and the remainder of the over-BASE funds provided in 20-9-306(8) from the amount in (1)(a) to determine the remainder to fund the maximum or general fund budget.~~

~~(2) Additional financing necessary to fund a school district's maximum general fund budget may be met through a tax levy as provided in 20-9-353 to determine any additional general fund levy requirements.~~

~~_____ (2) The county superintendent shall calculate the number of mills to be levied on the taxable property in the district to finance the general fund levy requirement for any amount that does not exceed the BASE budget amount for the district by dividing the amount determined in subsection (1)(c) by the sum of:~~

~~_____ (a) the amount of guaranteed tax base aid that the district will receive for each mill levied, as certified by the superintendent of public instruction; and~~

~~_____ (b) the current total taxable valuation of the district, as certified by the department of revenue under 15-10-202, divided by 1,000.~~

~~(3) The net general fund over-BASE levy requirement determined in subsections (1)(c) and (1)(d) subsection (2) must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the general fund over-BASE net levy requirement for the district, and a levy must be set by the county commissioners in accordance with 20-9-142.~~

~~(4) For each school district, the department of revenue shall calculate and report to the county superintendent the amount of revenue anticipated for the ensuing fiscal year from revenue from coal gross proceeds under 15-23-703."~~

Insert: **Section 5151.** Section 20-9-166, MCA, is amended to read:

"20-9-166. State financial aid for budget amendments. Whenever a final budget amendment has been adopted for the general fund to finance the cost of an amendment resulting from increased enrollment, the trustees may apply to the superintendent of public

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

instruction for an ~~increased payment~~ increase from the state for ~~direct state aid~~ the core curriculum teacher payment. Whenever a final budget amendment has been adopted for the transportation fund, the trustees may apply to the superintendent of public instruction for an increased payment for state transportation reimbursement. The superintendent of public instruction shall adopt rules for the application. The superintendent of public instruction shall approve or disapprove each application for increased state BASE aid ~~made in accordance with 20-9-314 and this section~~ based on the need for additional core curriculum teachers as a result of the increased enrollment. When the superintendent of public instruction approves an application, the superintendent of public instruction shall determine the additional amount of ~~direct state aid~~ the core curriculum teacher payment or the state transportation reimbursement that will be made available to the applicant district because of the increase in enrollment or additional pupil transportation obligations. The superintendent of public instruction shall notify the applicant district of the superintendent's approval or disapproval and, in the event of approval, the amount of additional state BASE aid that will be made available for the general fund or the transportation fund. The superintendent of public instruction shall disburse the state BASE aid to the eligible district at the time the next regular state BASE aid payment is made.""

Insert: **Section 5252.** Section 20-9-212, MCA, is amended to read:

"20-9-212. Duties of county treasurer. The county treasurer of each county:

 (1) must receive and shall hold all school money subject to apportionment and keep a separate accounting of its apportionment to the several districts that are entitled to a portion of the money according to the apportionments ordered by the county superintendent or by the superintendent of public instruction. A separate accounting must be maintained for each county fund supported by a countywide levy for a specific, authorized purpose, including:

~~(a) the basic county tax for elementary equalization;~~
 ~~(b) the basic county tax for high school equalization;~~
 ~~(c)~~(a) the county tax in support of the transportation schedules;
 ~~(b)~~ any county tax in support of the over-BASE;
 ~~(d)~~(c) the county tax in support of the elementary and high school district retirement obligations; and

~~(e)~~(d) any other county tax for schools, including the community colleges, that may be authorized by law and levied by the county commissioners.

 (2) whenever requested, shall notify the county superintendent and the superintendent of public instruction of the amount of county school money on deposit in each of the funds enumerated in subsection (1) and the amount of any other school money subject to apportionment and apportion the county and other school money to the districts in accordance with the apportionment ordered by the county superintendent or the superintendent of public instruction;

 (3) shall keep a separate accounting of the receipts, expenditures, and cash balances for each fund;

 (4) except as otherwise limited by law, shall pay all warrants properly drawn on the county or district school money;

 (5) must receive all revenue collected by and for each district and shall deposit these receipts in the fund designated by law or by the district if a fund is not designated by law. Interest and penalties on delinquent school taxes must be credited to the same fund and district for which the original taxes were levied.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(6) shall send all revenue received for a joint district, part of which is situated in the county, to the county treasurer designated as the custodian of the revenue, no later than December 15 of each year and every 3 months after that date until the end of the school fiscal year;

(7) at the direction of the trustees of a district, shall assist the district in the issuance and sale of tax and revenue anticipation notes as provided in Title 7, chapter 6, part 11;

(8) shall register district warrants drawn on a budgeted fund in accordance with 7-6-2604 when there is insufficient money available in all funds of the district to make payment of the warrant. Redemption of registered warrants must be made in accordance with 7-6-2116, 7-6-2605, and 7-6-2606.

(9) when directed by the trustees of a district, shall invest the money of the district within 3 working days of the direction;

(10) each month, shall give to the trustees of each district an itemized report for each fund maintained by the district, showing the paid warrants, registered warrants, interest distribution, amounts and types of revenue received, and the cash balance;

(11) shall remit promptly to the department of revenue receipts for the county tax for a vocational-technical program within a unit of the university system when levied by the board of county commissioners under the provisions of 20-25-439;

(12) shall invest the money received from the basic county taxes for elementary and high school equalization, the county levy in support of the elementary and high school district retirement obligations, and the county levy in support of the transportation schedules within 3 working days of receipt. The money must be invested until the working day before it is required to be distributed to school districts within the county or remitted to the state. Clerks of a school district shall provide a minimum of 30 hours' notice in advance of cash demands to meet payrolls, claims, and electronic transfers that are in excess of \$50,000, pursuant to 20-3-325. If a clerk of a district fails to provide the required 30-hour notice, the county treasurer shall assess a fee equal to any charges demanded by the state investment pool or other permissible investment manager for improperly noticed withdrawal of funds. Permissible investments are specified in 20-9-213(4). All investment income must be deposited, and credited proportionately, in the funds established to account for the taxes received for the purposes specified in subsections (1)(a) through (1)(d) (1)(c).

~~(13) shall remit on a monthly basis to the department of revenue, as provided in 15-1-504, all county equalization revenue received under the provisions of 20-9-331 and 20-9-333, including all interest earned, in repayment of the state advance for county equalization prescribed in 20-9-347. Any funds in excess of a state advance must be used as required in 20-9-331(1)(b) and 20-9-333(1)(b)."~~

Insert: **Section 5353.** Section 20-9-302, MCA, is amended to read:

"20-9-302. School isolation. (1) Except as provided in 20-6-502(4)(b), the trustees of any district operating an elementary school of less than 10 ~~AND~~ enrolled students or a high school of less than 25 ~~AND~~ enrolled students for 2 consecutive years shall apply to have the school classified as an isolated school. The application must be submitted by the trustees to the county superintendent by May 1 of the second consecutive year that enrollment falls below the amount specified in this subsection. The application must include:

(a) the name of each pupil who will attend the school during the ensuing school fiscal year with the distance the pupil resides from the nearest county road or highway;

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(b) a description of conditions affecting transportation such as poor roads, mountains, rivers, or other obstacles to travel, the distance the school is from the nearest open school having room and facilities for the pupils of the school, or any other condition that would result in an unusual hardship to the pupils of the school if they were transported to another school; and

(c) any other information prescribed by the superintendent of public instruction.

(2) The county superintendent shall submit the applications to the board of county commissioners for their consideration on or before May 15. The board shall approve or disapprove the application on the basis of the criteria established by the superintendent of public instruction. The board may approve an application because of the existence of other conditions which would result in an unusual hardship to the pupils of the school if they were transported to another school.

(3) When an application is approved, the county superintendent shall submit the application to the superintendent of public instruction before June 1. The superintendent of public instruction shall approve or disapprove the application for isolated classification by the fourth Monday of June on the basis of the information supplied by the application or objective information the superintendent of public instruction may collect on the superintendent's own initiative. An elementary or high school may not be considered an isolated school until the approval of the superintendent of public instruction has been received.""

Insert: **Section 5454.** Section 20-9-303, MCA, is amended to read:

"20-9-303. Nonisolated school BASE budget funding -- special education funds.

(1) An elementary school that has ~~an ANB of~~ nine or fewer pupils for 2 consecutive years and that is not approved as an isolated school under the provisions of 20-9-302 may budget and spend the BASE budget amount, but the county and state shall provide one-half of the ~~direct state~~ BASE aid, and the district shall finance the remaining one-half of the ~~direct state~~ BASE aid by a tax levied on the property of the district. When a school of nine or fewer pupils is approved as isolated under the provisions of 20-9-302, the county and state shall participate in the financing of the total amount of the ~~direct state~~ BASE aid.

(2) Funds provided to support the special education program may be expended only for special education purposes as approved by the superintendent of public instruction in accordance with the special education budgeting provisions of this title. Expenditures for special education must be accounted for separately from and in addition to the balance of the school district general fund budgeting requirements provided in 20-9-308. The amount of the special education allowable cost payments that is not matched with district funds, as required in 20-9-321, will reduce by a like amount the district's ensuing year's allowable cost payment for special education.""

Insert: NEW SECTION. **Section 5555. Core curriculum teacher payment.** (1) (a) The state shall provide a core curriculum teacher payment to public school districts, as defined in 20-6-101 and 20-6-701, for the purpose of funding BASE aid.

(b) Revenue from the oil and natural gas production tax as provided in 15-36-331 and from the mill levy in 20-9-360 must be deposited in the guarantee account provided for in 20-9-622 to fund a core curriculum teacher payment established in this section.

(2) Each school district is entitled to \$90,000 for each teacher in the district instructing core curriculum classes under the basic system of accreditation. Guidance counselors, administrative staff, and librarians are not included in the core curriculum teacher calculation.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(3) In calculating the number of core curriculum teachers that a school district has, the school district may not include any teacher who is teaching a course other than those required to meet the basic core curriculum standards.

(4) If a school district determines to teach a course of instruction not required under the core curriculum accreditation standards, the funding for the course must be met by available over-BASE funds as described in 20-9-306(8), pursuant to local levy approved by the registered electors of the district, or through other available district funds.

(5) The calculation of the number of core curriculum teachers is based on a full-time teacher's minimum aggregate hours. The sum of all one-quarter-time, half-time, three-quarter-time, and full-time teachers are included in the calculation of the core curriculum teacher payment as follows:

(a) 180 to 359 aggregate hours of pupil instruction per school year is counted as one-quarter-time;

(b) 360 to 539 aggregate hours of pupil instruction per school year is counted as half-time;

(c) 540 to 719 aggregate hours of pupil instruction per school year is counted as three-quarter-time; and

(d) 720 or more aggregate hours of pupil instruction per school year is counted as full-time.

(6) If a teacher is teaching a mixture of core curriculum courses and noncore curriculum courses, the teacher's minimum aggregate hours will be calculated based on the core curriculum courses only, consistent with subsection (5).

(7) For fiscal year 2012, the core curriculum teacher calculation is the number of teachers instructing core curriculum courses as of March 30, 2011."

Insert: **Section 5656.** Section 20-9-305, MCA, is amended to read:

"20-9-305. Proration and calculation of BASE funding program for joint district.

(1) In joint districts, the ~~direct state aid~~ BASE aid of a joint district must be prorated among the counties in which any part of the joint district is located for the purpose of determining the amount of each source of revenue for the ~~direct state~~ BASE aid for which each county is obligated. The proration of the joint district ~~direct state~~ BASE aid must be calculated as follows:

(a) Divide the total of the core curriculum teachers for the joint district ~~direct state aid~~ by the ~~ANB of the joint district to determine the per-ANB amount of the direct state aid~~ by the number of full-time core curriculum teachers as described in [section 55] in each county.

(b) ~~Determine the ANB for each county's portion of the joint district on the basis of each pupil's resident county.~~ When taken together, the sum of the ~~ANB~~ full-time teachers assigned to all the counties must equal the total ~~ANB~~ full-time teachers for the joint district.

(c) Multiply the ~~per-ANB amount of the direct state aid determined in subsection~~ number of full-time core curriculum teachers in subsection (1)(a) by the ~~ANB amount in [section 55(2)]~~ for each county's portion, as determined in subsection (1)(b), to determine the portion of the ~~direct state aid~~ core curriculum teacher payment for each county.

(2) The portion of a joint district ~~direct state aid~~ core curriculum teacher payment for each county, as determined in subsection (1)(c), is a separate ~~direct state aid~~ amount in the county for the purposes of calculating the various revenues for the BASE funding program. ~~After the calculation of the direct state aid revenues, the remainder of the general fund revenues must be calculated in accordance with the provisions for general fund financing."~~

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Insert: **Section 5757.** Section 20-9-306, MCA, is amended to read:

"20-9-306. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

- (1) "BASE" means base amount for school equity.
- (2) "BASE aid" means the core curriculum teacher payment, which includes:
 - ~~(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district;~~
 - ~~(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and 40% of the special education allowable cost payment;~~
 - ~~(c)(a) the total quality educator payment; and~~
 - ~~(d) the total at-risk student payment;~~
 - ~~(e)(b) the total Indian education for all payment; and~~
 - ~~(f) the total American Indian achievement gap payment.~~
- (3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, 100% of the total quality educator payment, and is 100% of the core curriculum teacher payment 100% of the total at-risk student payment, 100% of the total Indian education for all payment, 100% of the total American Indian achievement gap payment, and 140% of the special education allowable cost payment.
- (4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.
- ~~(5)(4)~~ "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.
- (5) "Basic system of accreditation" means the minimum core curriculum course requirements under the school accreditation standards.
- ~~(6) "Basic entitlement" means:~~
 - ~~—— (a) for each high school district:~~
 - ~~—— (i) \$246,085 for fiscal year 2010; and~~
 - ~~—— (ii) \$253,468 for each succeeding fiscal year;~~
 - ~~—— (b) for each elementary school district or K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school:~~
 - ~~—— (i) \$22,141 for fiscal year 2010;~~
 - ~~—— (ii) \$22,805 for each succeeding fiscal year; and~~
 - ~~—— (c) for each elementary school district or K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school:~~
 - ~~—— (i) for kindergarten through grade 6 elementary program:~~
 - ~~—— (A) \$22,141 for fiscal year 2010; and~~
 - ~~—— (B) \$22,805 for each succeeding fiscal year; plus~~
 - ~~—— (ii) for an approved and accredited junior high school program, 7th and 8th grade program, or middle school:~~

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

~~_____ (A) \$62,704 for fiscal year 2010; and~~

~~_____ (B) \$64,585 for each succeeding fiscal year.~~

~~(7)~~(6) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to 20-9-311.

~~_____ (8) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.~~

~~(9)~~(7) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, the total quality educator payment, the total at-risk student payment, the total Indian education for all payment, the total American Indian achievement gap payment, core curriculum teacher payment, the over-BASE budget, any over-BASE budget levy, and the greater of:

(a) 175% of special education allowable cost payments; or
(b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(8) "Over-BASE budget" means the amount of funding provided by a school district in addition to the BASE budget not to exceed the maximum general fund budget and includes:

(a) 100% of the total at-risk student payment;
(b) 100% of the total American Indian achievement gap payment;
(c) the special education allowable cost payments under 20-9-321;
(d) nonlevy revenue available pursuant to 20-9-141(1)(b);
(e) any additional revenue from federal sources;
(f) negotiated payments authorized under 20-7-420(3) up to \$500,000 a biennium;
(g) any other funds available to the school district under Title 20; and
(h) any over-BASE budget levy imposed.

~~(10)~~(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and the over-BASE payments provided in subsection (8) and that is below the maximum general fund budget for a district.

~~(11)~~(10) "Total American Indian achievement gap payment" means the payment resulting from multiplying \$200 times the number of American Indian students enrolled in the district as provided in 20-9-330.

~~(12)~~(11) "Total at-risk student payment" means the payment resulting from the distribution of any funds appropriated for the purposes of 20-9-328.

~~_____ (13) "Total Indian education for all payment" means the payment resulting from multiplying \$20.40 times the ANB of the district or \$100 for each district, whichever is greater, as provided for in 20-9-329.~~

~~(14)~~(12) "Total per-ANB entitlement" means the district entitlement ~~resulting from the following calculations and using either the current year ANB or the 3-year ANB provided for in 20-9-311:~~

~~_____ (a) for a high school district or a K-12 district high school program, a maximum rate of \$6,097 for fiscal year 2010 and \$6,280 for each succeeding fiscal year for the first ANB, decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;~~

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

~~—— (b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school, a maximum rate of \$4,763 for fiscal year 2010 and \$4,906 for each succeeding fiscal year for the first ANB, decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and~~

~~—— (c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school, the sum of:~~

~~—— (i) a maximum rate of \$4,763 for fiscal year 2010 and \$4,906 for each succeeding fiscal year for the first ANB for kindergarten through grade 6, decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and~~

~~—— (ii) a maximum rate of \$6,097 for fiscal year 2010 and \$6,280 for each succeeding fiscal year for the first ANB for grades 7 and 8, decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.~~

~~(15) "Total quality educator payment" means the payment resulting from multiplying \$3,036 for fiscal year 2008 and \$3,042 for each succeeding fiscal year times the number of full-time equivalent educators as provided in 20-9-327."~~

Insert: **Section 5858.** Section 20-9-308, MCA, is amended to read:

"20-9-308. BASE budgets and maximum general fund budgets. (1) (a) The trustees of a district shall adopt a general fund budget that is at least equal to the BASE budget established for the district. The trustees of a district may adopt a general fund budget up to the maximum general fund budget or the previous year's general fund budget, whichever is greater.

(b) For purposes of the budget limitation in subsection (1)(a), the trustees may add any increase in state funding for the general fund payments in ~~20-9-327 through~~ 20-9-328 and 20-9-330 to the district's previous year's general fund budget.

(2) Whenever the trustees of a district propose to adopt a general fund budget that exceeds the BASE budget for the district and to increase the over-BASE budget levy to support the general fund budget, the trustees shall submit a proposition to the electors of the district, as provided in 20-9-353.

(3) The BASE budget for the district must be financed by the following ~~sources of revenue:~~

~~—— (a) state equalization aid, as provided in 20-9-343, including any guaranteed tax base aid for which the district may be eligible, as provided in 20-9-366 through 20-9-369;~~

~~—— (b) county equalization aid, as provided in 20-9-331 and 20-9-333;~~

~~—— (c) a district levy for support of a school not approved as an isolated school under the provisions of 20-9-302;~~

~~—— (d) payments in support of special education programs under the provisions of 20-9-321;~~

~~—— (e) nonlevy revenue, as provided in 20-9-141; and~~

~~—— (f) a BASE budget levy on the taxable value of all property within the district. core curriculum teacher payment.~~

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(4) The over-BASE budget amount of a district must be financed by a levy on the taxable value of all property within the district or other revenue available to the district, as provided in 20-9-141."

Insert: **Section 5959.** Section 20-9-309, MCA, is amended to read:

"20-9-309. Basic system of free quality public elementary and secondary schools defined -- identifying educationally relevant factors -- establishment of funding formula and budgetary structure -- legislative review. (1) Pursuant to Article X, section 1, of the Montana constitution, the legislature is required to provide a basic system of free quality public elementary and secondary schools throughout the state of Montana that will guarantee equality of educational opportunity to all.

(2) As used in this section, a "basic system of free quality public elementary and secondary schools" means:

(a) the educational program specified by the core curriculum in the accreditation standards provided for in 20-7-111, which represent the minimum standards upon which a basic system of free quality public elementary and secondary schools is built;

(b) educational programs to provide for students with special needs, such as:

(i) a child with a disability, as defined in 20-7-401;

(ii) an at-risk student;

(iii) a student with limited English proficiency;

(iv) a child who is qualified for services under 29 U.S.C. 794; and

(v) gifted and talented children, as defined in 20-7-901;

(c) educational programs to implement the provisions of Article X, section 1(2), of the Montana constitution and Title 20, chapter 1, part 5, through development of curricula designed to integrate the distinct and unique cultural heritage of American Indians into the curricula, with particular emphasis on Montana Indians;

(d) qualified and effective teachers or administrators and qualified staff to implement the programs in subsections (2)(a) through (2)(c);

(e) facilities and distance learning technologies associated with meeting the accreditation standards;

(f) transportation of students pursuant to Title 20, chapter 10;

(g) a procedure to assess and track student achievement in the programs established pursuant to subsections (2)(a) through (2)(c); and

(h) preservation of local control of schools in each district vested in a board of trustees pursuant to Article X, section 8, of the Montana constitution.

(3) In developing a mechanism to fund the basic system of free quality public elementary and secondary schools and in making adjustments to the funding formula, the legislature shall, at a minimum, consider the following educationally relevant factors:

~~(a) the number of students in a district;~~

~~_____ (b) the needs of isolated schools with low population density;~~

~~_____ (c) the needs of urban schools with high population density;~~

~~(d)~~(a) the needs of students with special needs, such as a child with a disability, an at-risk student, a student with limited English proficiency, a child who is qualified for services under 29 U.S.C. 794, and gifted and talented children;

~~(e)~~(b) the needs of American Indian students; and

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

~~(f)(c)~~ the ability of school districts to attract and retain qualified educators and other personnel.

(4) ~~By July 1, 2007, the~~ The legislature shall:

~~(a) determine the costs of providing the basic system of free quality public elementary and secondary schools;~~

~~(b) establish a funding formula that:~~

~~(i) is based on the definition of a basic system of free quality public elementary and secondary schools and reflects the costs associated with providing that system as determined in subsection (4)(a);~~

~~(ii) allows the legislature to adjust the funding formula based on the educationally relevant factors identified in this section;~~

~~(iii) is self-executing and includes a mechanism for annual inflationary adjustments;~~

~~(iv) is based on state laws;~~

~~(v)(a) is based on federal education laws consistent with Montana's constitution and laws; and~~

~~(vi)(b) distributes to school districts in an equitable manner the state's share of the costs of the basic system of free quality public elementary and secondary schools; and~~

(c) ~~consolidate~~ consolidates the budgetary fund structure to create the number and types of funds necessary to provide school districts with the greatest budgetary flexibility while ensuring accountability and efficiency.

~~(5) At least every 10 years following April 7, 2005, the legislature shall:~~

~~(a) authorize a study to reassess the educational needs and costs related to the basic system of free quality public elementary and secondary schools; and~~

~~(b) if necessary, incorporate the results of those assessments into the state's funding formula.~~

(5) A basic system of free quality public elementary and secondary schools does not include any course or instruction in addition to the core curriculum in the accreditation standards. Any course or instruction offered by a school or school district in addition to the core curriculum must be funded by local levy, through federal funding, or by other funds available to the district."

Insert: **Section 6060.** Section 20-9-311, MCA, is amended to read:

"20-9-311. Calculation of average number belonging (ANB) -- three-year averaging. (1) Average number belonging (ANB) must be computed for each budget unit for the entitlement for special education and countywide school transportation block grants as follows:

(a) compute an average enrollment by adding a count of regularly enrolled full-time pupils who were enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on February 1 of the prior school fiscal year, or the next school day if those dates do not fall on a school day, and divide the sum by two; and

(b) multiply the average enrollment calculated in subsection (1)(a) by the sum of 180 and the approved pupil-instruction-related days for the current school fiscal year and divide by 180.

(2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related days may be included in the calculation.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(3) When a school district has approval to operate less than the minimum aggregate hours under 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.

(4) (a) For the purpose of calculating ANB, enrollment in an education program:

(i) from 180 to 359 aggregate hours of pupil instruction per school year is counted as one-quarter-time enrollment;

(ii) from 360 to 539 aggregate hours of pupil instruction per school year is counted as half-time enrollment;

(iii) from 540 to 719 aggregate hours of pupil instruction per school year is counted as three-quarter-time enrollment; and

(iv) 720 or more aggregate hours of pupil instruction per school year is counted as full-time enrollment.

(b) Enrollment in a program intended to provide fewer than 180 aggregate hours of pupil instruction per school year may not be included for purposes of ANB.

(c) Enrollment in a self-paced program or course may be converted to an hourly equivalent based on the hours necessary and appropriate to provide the course within a regular classroom schedule.

(d) A pupil in kindergarten through grade 12 who is concurrently enrolled in more than one public school, program, or district may not be counted as more than one full-time pupil for ANB purposes.

(5) For a district that is transitioning from a half-time to a full-time kindergarten program, the state superintendent shall count kindergarten enrollment in the previous year as full-time enrollment for the purpose of calculating ANB for the elementary programs offering full-time kindergarten in the current year. For the purposes of calculating the 3-year ANB, the superintendent of public instruction shall count the kindergarten enrollment as one-half enrollment and then add the additional kindergarten ANB to the 3-year average ANB for districts offering full-time kindergarten.

(6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days, the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes attendance prior to the day of the enrollment count.

(7) The enrollment of preschool pupils, as provided in 20-7-117, may not be included in the ANB calculations.

(8) The average number belonging of the regularly enrolled, full-time pupils for the public schools of a district must be based on the aggregate of all the regularly enrolled, full-time pupils attending the schools of the district, except that the ANB is calculated as a separate budget unit when:

(a) (i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled, full-time pupils of the school must be calculated as a separate budget unit for ANB purposes and the district must receive ~~a basic~~ the entitlement for the school calculated separately from the other schools of the district;

(ii) a school of the district is located more than 20 miles from any other school of the district and incorporated territory is not involved in the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

must receive ~~a basic~~ the entitlement for the school calculated separately from the other schools of the district;

(iii) the superintendent of public instruction approves an application not to aggregate when conditions exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, or when any other condition exists that would result in an unusual hardship to the pupils of the school if they were transported to another school, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive ~~a basic~~ the entitlement for the school calculated separately from the other schools of the district; or

(iv) two or more districts consolidate or annex under the provisions of 20-6-422 or 20-6-423, the ANB and the ~~basic~~ entitlements of the component districts must be calculated separately for a period of 3 years following the consolidation or annexation. Each district shall retain a percentage of its ~~basic~~ entitlement for 3 additional years as follows:

- (A) 75% of the ~~basic~~ entitlement for the fourth year;
- (B) 50% of the ~~basic~~ entitlement for the fifth year; and
- (C) 25% of the ~~basic~~ entitlement for the sixth year.

(b) a junior high school has been approved and accredited as a junior high school, all of the regularly enrolled, full-time pupils of the junior high school must be considered as high school district pupils for ANB purposes;

(c) a middle school has been approved and accredited, all pupils below the 7th grade must be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered high school pupils for ANB purposes; or

(d) a school has not been accredited by the board of public education, the regularly enrolled, full-time pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes, nor will an average number belonging for the nonaccredited school be used in determining the BASE funding program for the district.

(9) The district shall provide the superintendent of public instruction with semiannual reports of school attendance, absence, and enrollment for regularly enrolled students, using a format determined by the superintendent.

(10) (a) Except as provided in subsections (10)(b) and (10)(c), enrollment in a basic education program provided by the district through any combination of onsite or offsite instruction may be included for ANB purposes only if the pupil is offered access to the complete range of educational services for the basic education program required by the accreditation standards adopted by the ~~board of public education~~ legislature.

(b) Access to school programs and services for a student placed by the trustees in a private program for special education may be limited to the programs and services specified in an approved individual education plan supervised by the district.

(c) Access to school programs and services for a student who is incarcerated in a facility, other than a youth detention center, may be limited to the programs and services provided by the district at district expense under an agreement with the incarcerating facility.

(d) This subsection (10) may not be construed to require a school district to offer access to activities governed by an organization having jurisdiction over interscholastic activities, contests, and tournaments to a pupil who is not otherwise eligible under the rules of the organization.

(11) A district may include only, for ANB purposes, an enrolled pupil who is otherwise eligible under this title and who is:

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(a) a resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district;

(b) unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(c) unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(d) receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the pupil's services are provided at the district's expense under an approved individual education plan supervised by the district;

(e) participating in the running start program at district expense under 20-9-706;

(f) receiving educational services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the department of public health and human services;

(g) enrolled in an educational program or course provided at district expense using electronic or offsite delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite instructional setting with the approval of the trustees of the district. The pupil shall:

(i) meet the residency requirements for that district as provided in 1-1-215;

(ii) live in the district and must be eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or

(iii) attend school in the district under a mandatory attendance agreement as provided in 20-5-321.

(h) a resident of the district attending the Montana youth challenge program or a Montana job corps program under an interlocal agreement with the district under 20-9-707.

(12) A district shall, for ANB purposes, calculate the enrollment of an eligible Montana youth challenge program participant as half-time enrollment.

(13) (a) For an elementary or high school district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated using the current year ANB for all budget units or the 3-year average ANB for all budget units, whichever generates the greatest maximum general fund budget.

(b) For a K-12 district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated separately for the elementary and high school programs pursuant to subsection (13)(a) and then combined.

(14) The term "3-year ANB" means an average ANB over the most recent 3-year period, calculated by:

(a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the previous 2 school fiscal years; and

(b) dividing the sum calculated under subsection (14)(a) by three.""

Insert: **Section 6161.** Section 20-9-313, MCA, is amended to read:

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

"20-9-313. Circumstances under which regular average number belonging may be increased. (1) The average number belonging of a school, calculated in accordance with the ANB formula prescribed in 20-9-311, may be increased when:

(a) the opening of a new elementary school or the reopening of an elementary school has been approved in accordance with 20-6-502. The average number belonging and the anticipated enrollment for the school must be established by the county superintendent and approved, disapproved, or adjusted by the superintendent of public instruction.

(b) the opening or reopening of a high school or a branch of the county high school has been approved in accordance with 20-6-503, 20-6-504, or 20-6-505. The average number belonging and anticipated enrollment for the high school must be established by the county superintendent's estimate, after an investigation of the probable number of pupils that will attend the high school.

(c) a district anticipates an increase in the average number belonging due to the closing of a private or public school in the district or a neighboring district. The estimated increase in average number belonging must be established by the trustees and the county superintendent and approved, disapproved, or adjusted by the superintendent of public instruction no later than the fourth Monday in June.

(d) a district anticipates an unusual enrollment increase in the ensuing school fiscal year. The increase in average number belonging must be based on estimates of increased enrollment approved by the superintendent of public instruction and must be computed in the manner prescribed by 20-9-314.

(e) for the initial year of operation of a kindergarten program established under 20-7-117(1), the ANB and the anticipated enrollment to be used for budget purposes is:

(i) one-half the number of 5-year-old children residing in the district as of September 10 of the preceding school year, either as shown on the official school census or as determined by some other procedure approved by the superintendent of public instruction, for the purpose of implementing a half-time kindergarten program as provided in 20-1-301; or

(ii) the number of 5-year-old children residing in the district as of September 10 of the preceding school year, either as shown on the official school census or as determined by some other procedure approved by the superintendent of public instruction, for the purpose of implementing a full-time kindergarten program as provided in 20-1-301; or

(f) a high school district provides early graduation for a student who completes graduation requirements in less than eight semesters or the equivalent amount of secondary school enrollment. The increase must be established by the trustees as though the student had attended to the end of the school fiscal year and must be approved, disapproved, or adjusted by the superintendent of public instruction.

(2) This section does not apply to the expansion of a half-time kindergarten program to a full-time kindergarten program."

Insert: **Section 6262.** Section 20-9-314, MCA, is amended to read:

"20-9-314. Procedures for determining eligibility and amount of increased average number belonging due to unusual enrollment increase. A district that anticipates an unusual increase in enrollment in the ensuing school fiscal year, as provided for in 20-9-313(1)(d), may increase its ~~basic entitlement and~~ total per-ANB entitlement for special education and countywide school transportation block grants the ensuing school fiscal year in accordance with the following provisions:

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(1) Prior to June 1, the district shall estimate the elementary or high school enrollment to be realized during the ensuing school fiscal year, based on as much factual information as may be available to the district.

(2) No later than June 1, the district shall submit its application for an unusual enrollment increase by elementary or high school level to the superintendent of public instruction. The application must include:

- (a) the enrollment for the current school fiscal year;
- (b) the average number belonging used to calculate the ~~basic entitlement~~ and total per-ANB entitlement for the current school fiscal year;
- (c) the average number belonging that will be used to calculate the ~~basic entitlement~~ and total per-ANB entitlement for the ensuing school fiscal year;
- (d) the estimated enrollment, including the factual information on which the estimate is based, as provided in subsection (1); and
- (e) any other information or data that may be requested by the superintendent of public instruction.

(3) The superintendent of public instruction shall immediately review all the factors of the application and shall approve or disapprove the application or adjust the estimated average number belonging for the ensuing ANB calculation period. After approving an estimate, with or without adjustment, the superintendent of public instruction shall:

- (a) determine the percentage by which the estimated enrollment exceeds the enrollment used for the budgeted ANB; and
- (b) approve an increase of the average number belonging used to establish the ensuing year's ~~basic entitlement~~ and total per-ANB entitlement in accordance with subsection (5) if the increase in subsection (3)(a) is at least 6%.

(4) The superintendent of public instruction shall notify the district of the decision by the fourth Monday in June.

(5) Whenever an unusual enrollment increase is approved by the superintendent of public instruction, the increase of the average number belonging used to establish the ~~basic entitlement~~ and total per-ANB entitlement for the ensuing ANB calculation period is determined using the difference between the enrollment for the ensuing school fiscal year and 106% of the enrollment used to calculate the budgeted ANB. The amount determined is the maximum allowable increase added to the average number belonging for the purpose of establishing the ensuing year's ~~basic entitlement~~ and total per-ANB entitlement.

(6) (a) Any entitlement increases resulting from provisions of this section must be reviewed at the end of the ensuing school fiscal year.

(b) If the actual enrollment is less than the enrollment used to determine the budgeted ANB, the superintendent of public instruction shall revise the total per-ANB entitlement ~~and basic entitlement calculations~~ calculation, as provided in subsection (5), using the actual enrollment in place of the estimated enrollment. All total per-ANB entitlements received by the district in excess of the revised entitlements are overpayments subject to the refund provisions of 20-9-344(4)."

Insert: **Section 6363.** Section 20-9-326, MCA, is amended to read:

"20-9-326. Annual inflation-related adjustments to ~~basic entitlements and per-ANB entitlements~~ for special education and countywide transportation. (1) In preparing and submitting an agency budget pursuant to 17-7-111 and 17-7-112, the

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

superintendent of public instruction shall determine the inflation factor for the ~~basic and per-ANB entitlements~~ for special education and countywide transportation in each fiscal year of the ensuing biennium. The inflation factor is calculated as follows:

(a) for the first year of the biennium, divide the consumer price index for July 1 of the prior calendar year by the consumer price index for July 1 of the calendar year 3 years prior to the prior calendar year and raise the resulting ratio to the power of one-third; and

(b) for the second year of the biennium, divide the consumer price index for July 1 of the current calendar year by the consumer price index for July 1 of the calendar year 3 years prior to the current calendar year and raise the resulting ratio to the power of one-third.

(2) The present law base for the ~~basic and per-ANB~~ entitlements, calculated under Title 17, chapter 7, part 1, must consist of any enrollment increases or decreases plus the inflation factor calculated pursuant to this section, not to exceed 3% in each year, applied to both years of the biennium.

(3) For the purposes of this section, "consumer price index" means the consumer price index, U.S. city average, all urban consumers, for all items, using the 1982-84 base of 100, as published by the bureau of labor statistics of the U.S. department of labor.""

Insert: **Section 6464.** Section 20-9-327, MCA, is amended to read:

"20-9-327. Quality educator payment. (1) (a) The state shall provide a quality educator payment, as a component of the core curriculum teacher payment, to:

- (i) public school districts, as defined in 20-6-101 and 20-6-701;
- (ii) special education cooperatives, as described in 20-7-451;
- (iii) the Montana school for the deaf and blind, as described in 20-8-101;
- (iv) state youth correctional facilities, as defined in 41-5-103; and
- (v) the Montana youth challenge program.

(b) A special education cooperative that has not met the requirements of 20-7-454 may not be funded under the provisions of this section except by approval of the superintendent of public instruction.

(2) (a) The quality educator payment for special education cooperatives must be distributed directly to those entities by the superintendent of public instruction.

(b) The quality educator payment for the Montana school for the deaf and blind must be distributed to the Montana school for the deaf and blind.

(c) The quality educator payment for Pine Hills and Riverside youth correctional facilities must be distributed to those facilities by the department of corrections.

(d) The quality educator payment for the Montana youth challenge program must be distributed to that program by the department of military affairs.

(3) The quality educator payment is ~~calculated as provided in 20-9-306~~, determined by using the number of full-time ~~equivalent educators~~ core curriculum teachers, as reported to the superintendent of public instruction for accreditation purposes in the previous school year, each of whom:

(a) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (1) of this section in a position that requires an educator license in accordance with the administrative rules adopted by the board of public education; ~~or and~~

~~(b) (i) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-17-302, 37-22-301, 37-23-201, 37-24-301, or 37-25-302; and~~

~~(ii)~~(b) is employed by an entity listed in subsection (1) to provide services to students.""

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Insert: Section 6565. Section 20-9-329, MCA, is amended to read:

"20-9-329. Indian education for all payment. (1) The state shall provide an Indian education for all payment to public school districts, as defined in 20-6-101 and 20-6-701, to implement the provisions of Article X, section 1(2), of the Montana constitution and Title 20, chapter 1, part 5.

(2) The Indian education for all payment is ~~calculated as provided in 20-9-306 and is a component of the core curriculum teacher payment within the~~ BASE budget of the district.

(3) The district shall deposit the payment in the general fund of the district.

(4) A public school district that receives an Indian education for all payment may ~~not divert use~~ the funds to ~~any purpose other than~~ the purposes of curriculum development, providing curriculum and materials to students, and providing training to teachers about the curriculum and materials. A public school district shall file an annual report with the office of public instruction, in a form prescribed by the superintendent of public instruction, that specifies how the Indian education for all funds were expended.""

Insert: Section 6666. Section 20-9-332, MCA, is amended to read:

"20-9-332. Fines and penalties proceeds for elementary county equalization general fund. All fines and penalties collected under the provisions of this title, except those collected by a justice's court, must be paid into the ~~elementary county equalization fund as provided by 20-9-331(2)(e) county~~ general fund. In order to implement this section and any other provision of law requiring the deposit of fines in the ~~elementary county equalization general fund~~, a report must be made to the county superintendent of the county, at the close of each term, by the clerk of each district court, reporting all fines imposed and collected during the term and indicating the type of violation and the date of collection.""

Insert: Section 6767. Section 20-9-342, MCA, is amended to read:

"20-9-342. Deposit of interest and income money by state board of land commissioners. Except as provided in 20-9-516, the state board of land commissioners shall annually deposit the interest and income money and the investment income earned by investing interest and income money for each calendar year into the guarantee account, provided for in 20-9-622, for state equalization aid by the last business day of February following the calendar year in which the money was received.""

Insert: Section 6868. Section 20-9-344, MCA, is amended to read:

"20-9-344. Duties of board of public education for distribution of BASE aid and over-BASE payments. (1) The board of public education shall administer and distribute the BASE aid ~~and state advances for county equalization and over-BASE payments as required by 20-9-141~~ in the manner and with the powers and duties provided by law. The board of public education:

(a) shall adopt policies for regulating the distribution of BASE aid and the over-BASE payments as provided in 20-9-306 ~~and state advances for county equalization~~ in accordance with the provisions of law;

(b) may require reports from the county superintendents, county treasurers, and trustees that it considers necessary; and

(c) shall order the superintendent of public instruction to distribute the BASE aid and over-BASE payments on the basis of each district's annual entitlement to the aid as established by the superintendent of public instruction. In ordering the distribution of BASE aid and over-BASE payments, the board of public education may not increase or decrease the BASE

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

aid distribution or over-BASE payments to any district on account of any difference that may occur during the school fiscal year between budgeted and actual receipts from any other source of school revenue.

(2) The board of public education may order the superintendent of public instruction to withhold distribution of BASE aid or over-BASE payments from a district when the district fails to:

(a) submit reports or budgets as required by law or rules adopted by the board of public education; or

(b) maintain accredited status.

(3) Prior to any proposed order by the board of public education to withhold distribution of BASE aid or ~~county equalization money~~ over-BASE payments, the district is entitled to a contested case hearing before the board of public education, as provided under the Montana Administrative Procedure Act.

(4) If a district or county receives more BASE aid or over-BASE payments than it is entitled to, the county treasurer shall return the overpayment to the state upon the request of the superintendent of public instruction in the manner prescribed by the superintendent of public instruction.

(5) Except as provided in 20-9-347(2), the BASE aid payment and over-BASE payments must be distributed according to the following schedule:

(a) from August to October of the school fiscal year, to each district 10% of:

(i) ~~direct state aid~~ the core curriculum teacher payment;

(ii) ~~the total quality educator payment~~;

(iii)(ii) ~~the total at-risk student payment~~; and

(iv) ~~the total Indian education for all payment~~; and

(v)(iii) ~~the total American Indian achievement gap payment~~;

(b) from December to April of the school fiscal year, to each district 10% of:

(i) ~~direct state aid~~ the core curriculum teacher payment;

(ii) ~~the total quality educator payment~~;

(iii)(ii) ~~the total at-risk student payment~~; and

(iv) ~~the total Indian education for all payment~~; and

(v)(iii) ~~the total American Indian achievement gap payment~~;

(c) ~~in November of the school fiscal year, one-half of the guaranteed tax base aid payment to each district or county that has submitted a final budget to the superintendent of public instruction in accordance with the provisions of 20-9-134;~~

(d)(c) ~~in May of the school fiscal year, the remainder of the guaranteed tax base aid over-BASE payment to each district or county~~ not otherwise scheduled for payment; and

(e)(d) ~~in June of the school fiscal year, the remaining payment to each district of direct state aid~~ the core curriculum teacher payment, the total quality educator payment, the total at-risk student payment, the total Indian education for all payment, and the total American Indian achievement gap payment.

(6) The distribution provided for in subsection (5) must occur by the last working day of each month.""

Insert: **Section 6969.** Section 20-9-346, MCA, is amended to read:

"20-9-346. Duties of superintendent of public instruction for ~~state and county equalization~~ BASE aid and over-BASE distribution. The superintendent of public instruction

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

shall administer the distribution of the ~~state and county equalization~~ BASE aid and over-BASE payments by:

(1) establishing the annual entitlement of each district and county to state ~~and county equalization~~ BASE aid and over-BASE payments, based on the data reported in the retirement; ~~and general fund, and debt service fund~~ budgets for each district that have been adopted for the current school fiscal year and verified by the superintendent of public instruction;

~~(2) for the purposes of state advances and reimbursements for school facilities, limiting the distribution to no more than the amount appropriated for the school fiscal year to the districts that are eligible under the provisions of 20-9-366 through 20-9-371 by:~~

~~—— (a) determining the debt service payment obligation in each district for debt service on bonds that were sold as provided in 20-9-370(3) that qualify for a state advance or reimbursement for school facilities under the provisions of 20-9-366 through 20-9-369 and 20-9-370;~~

~~(b) based on the limitation of state equalization aid appropriated for debt service purposes, determining the state advance for school facilities and the proportionate share of state reimbursement for school facilities that each eligible district must receive for the school fiscal year; and~~

~~—— (c) distributing that amount by May 31 of each school fiscal year to each eligible district for reducing the property tax for the debt service fund for the ensuing school fiscal year;~~

~~(3)(2) distributing by electronic transfer the BASE aid and over-BASE payments and state advances for county equalization, for each district or county entitled to the aid; to the county treasurer of the respective county for county equalization or to the county treasurer of the county where the district is located or to the investment account identified by the applicable district for BASE aid and over-BASE payments, in accordance with the distribution ordered by the board of public education;~~

~~(4)(3) keeping a record of the full and complete data concerning money available for state equalization aid, state advances for county equalization, and the entitlements for BASE aid and over-BASE payments of the districts of the state;~~

~~(5) reporting to the board of public education the estimated amount that will be available for state equalization aid; and~~

~~(6)(4) reporting to the office of budget and program planning, as provided in 17-7-111:~~

~~(a) the figures and data available concerning distributions of state and county equalization aid during the preceding 2 school fiscal years;~~

~~(b) the amount of state equalization aid then available;~~

~~(c) the apportionment made of the available money but not yet distributed;~~

~~(d) the latest estimate of accruals of money available for state equalization aid; and BASE aid, over-BASE payments, and interest and income money pursuant to 20-9-341 and 20-9-342.~~

~~(e) the amount of state advances and repayment for county equalization."~~

Insert: Section 7070. Section 20-9-347, MCA, is amended to read:

"20-9-347. Distribution of BASE aid and special education allowable cost payments in support of BASE over-BASE funding program -- exceptions. (1) The superintendent of public instruction shall:

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

~~(a)~~ supply the county treasurer and the county superintendent with a monthly report of the payment of BASE aid in support of the BASE funding program of each district of the county;

~~(b) in the manner described in 20-9-344, provide for a state advance to each county in an amount that is no less than the amount anticipated to be raised for the elementary and high school county equalization funds as provided in 20-9-331 and 20-9-333; and~~

~~(c) adopt rules to implement the provisions of subsection (1)(b).~~

(2) (a) The superintendent of public instruction is authorized to adjust the schedule prescribed in 20-9-344 for distribution of the BASE aid and over-BASE payments if the distribution will cause a district to register warrants under the provisions of 20-9-212(8).

(b) To qualify for an adjustment in the payment schedule, a district shall demonstrate to the superintendent of public instruction, in the manner required by the office, that the payment schedule prescribed in 20-9-344 will result in insufficient money available in all funds of the district to make payment of the district's warrants. The county treasurer shall confirm the anticipated deficit. This section may not be construed to authorize the superintendent of public instruction to exceed a district's annual payment for BASE aid or over-BASE payments.

(3) The superintendent of public instruction shall:

(a) distribute special education allowable cost payments to districts; and

(b) supply the county treasurer and the county superintendent of schools with a report of payments for special education allowable costs to districts of the county."

Insert: Section 7171. Section 20-9-348, MCA, is amended to read:

"20-9-348. Estimation of state equalization aid for budget purposes. The apportionment of state equalization aid ~~shall be~~ is the ~~second~~ source of revenue in calculating the financing of the elementary district BASE funding program and the high school district BASE funding program. In order to allow for the estimation of the amount of money to be realized from this source of revenue when the county superintendent is estimating the general fund budget revenues, the county superintendent shall consider that the state BASE funding program ~~revenues and county equalization moneys, together,~~ revenue will be capable of financing 100% of the BASE funding program."

Insert: Section 7272. Section 20-9-351, MCA, is amended to read:

"20-9-351. Funding of deficiency in BASE aid. If the money available for BASE aid is not the result of a reduction in spending under 17-7-140 and is not sufficient to provide the ~~guaranteed tax base aid required under 20-9-366 through 20-9-369 and~~ BASE aid support determined under 20-9-347, the superintendent of public instruction shall request the budget director to submit a request for a supplemental appropriation in the second year of the biennium that is sufficient to complete the funding of BASE aid for the elementary and high school districts for the current biennium."

"

Insert: Section 7373. Section 20-9-353, MCA, is amended to read:

"20-9-353. Additional financing for general fund -- election for authorization to impose. (1) The trustees of a district may propose to adopt an over-BASE budget amount for the district general fund that does not exceed the general fund budget limitations, as provided in 20-9-308.

(2) When the trustees of the district propose to adopt an over-BASE budget under subsection (1), any increase in local property taxes authorized by 20-9-308(4) must be

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

submitted to a vote of the qualified electors of the district, as provided in 15-10-425. ~~The trustees are not required to submit to the qualified electors any increase in state funding of the basic or per-ANB entitlements or of the general fund payments established in 20-9-327 through 20-9-330 approved by the legislature. When the trustees of a district determine that a voted amount of financing is required for the general fund budget, the trustees shall submit the proposition to finance the voted amount to the electors who are qualified under 20-20-301 to vote upon the proposition. The election must be called and conducted in the manner prescribed by this title for school elections and must conform to the requirements of 15-10-425. The ballot for the election must conform to the requirements of 15-10-425.~~

(3) If the proposition on any additional financing for the general fund over-BASE is approved by a majority vote of the electors voting at the election, the proposition carries and the trustees may use any portion or all of the authorized amount in adopting the final general fund budget. The trustees shall certify any additional levy amount authorized by the election on the budget form that is submitted to the county superintendent, and the county commissioners shall levy the authorized number of mills on the taxable value of all taxable property within the district, as prescribed in 20-9-141.

(4) All levies adopted under this section must be authorized by the election conducted before August 1 of the school fiscal year for which it is effective.

(5) If the trustees of a district are required to submit a proposition to finance an over-BASE budget amount, as allowed by 20-9-308, to the electors of the district, the trustees shall comply with the provisions of subsections (2) through (4) of this section.""

Insert: **Section 7474.** Section 20-9-360, MCA, is amended to read:

"20-9-360. State equalization aid levy for core curriculum teacher payment. (1) Subject to 15-10-420, there is a levy of not more than 40 mills imposed by the county commissioners of each county on all taxable property within the state, except property for which a tax or fee is required under 61-3-321(2) or (3), 61-3-529, 61-3-537, 61-3-562, 61-3-570, and 67-3-204. Proceeds of the levy must be remitted to the department of revenue, as provided in 15-1-504, and must be deposited to the credit of the state general fund for state equalization aid to core curriculum teacher payments as provided in [section 55] for the public schools of Montana.

(2) The state share to be funded is the core curriculum teacher payment plus special education allowable cost payments. The state share is to be funded first from the revenue in the guarantee account and then from the state general fund. In fiscal year 2014 and in each succeeding fiscal year, any increase in the core curriculum teacher payment must be funded by increases in the statewide mill levy, subject to 15-10-420."

Insert: **Section 7575.** Section 20-9-406, MCA, is amended to read:

"20-9-406. Limitations on amount of bond issue -- definition of federal impact aid basic support payment. (1) (a) ~~Except as provided in subsection (1)(c), the~~ The maximum amount for which an elementary district or a high school district may become indebted by the issuance of general obligation bonds, including all indebtedness represented by outstanding general obligation bonds of previous issues, registered warrants, outstanding obligations under 20-9-471, and any other loans or notes payable that are held as general obligations of the district, is 50% of the taxable value of the property subject to taxation, as ascertained by the last assessment for state, county, and school taxes previous to the incurring of the indebtedness.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(b) ~~Except as provided in subsection (1)(c), the~~ The maximum amount for which a K-12 school district, as formed pursuant to 20-6-701, may become indebted by the issuance of general obligation bonds, including all indebtedness represented by outstanding general obligation bonds of previous issues, registered warrants, outstanding obligations under 20-9-471 and 20-9-502, and any other loans or notes payable that are held as general obligations of the district, is up to 100% of the taxable value of the property subject to taxation, as ascertained by the last assessment for state, county, and school taxes previous to the incurring of the indebtedness.

~~(c) (i) The maximum amount for which an elementary district or a high school district with a district mill value per elementary ANB or per high school ANB that is less than the facility guaranteed mill value per elementary ANB or high school ANB under 20-9-366 may become indebted by the issuance of general obligation bonds, including all indebtedness represented by outstanding general obligation bonds of previous issues, registered warrants, outstanding obligations under 20-9-471 and 20-9-502, and any other loans or notes payable that are held as general obligations of the district, is 50% of the corresponding facility guaranteed mill value per ANB times 1,000 times the ANB of the district. For a K-12 district, the maximum amount for which the district may become indebted is 50% of the sum of the facility guaranteed mill value per elementary ANB times 1,000 times the elementary ANB of the district and the facility guaranteed mill value per high school ANB times 1,000 times the high school ANB of the district. For the purpose of calculating ANB under this subsection, a district may use the greater of the current year ANB or the 3-year ANB calculated under 20-9-311.~~

~~(ii) If mutually agreed upon by the affected districts, for the purpose of calculating its maximum bonded indebtedness under this subsection (1)(c), a district may include the ANB of the district plus the number of students residing within the district for which the district or county pays tuition for attendance at a school in an adjacent district. The receiving district may not use out-of-district ANB for the purpose of calculating its maximum indebtedness if the out-of-district ANB has been included in the ANB of the sending district pursuant to the mutual agreement. For the purpose of calculating ANB under this subsection, a district may use the greater of the current year ANB or the 3-year ANB calculated under 20-9-311.~~

(2) The maximum amounts determined in subsection (1) do not pertain to indebtedness imposed by special improvement district obligations or assessments against the school district or to general obligation bonds issued for the repayment of tax protests lost by the district. All general obligation bonds issued in excess of the amount are void, except as provided in this section.

(3) The maximum amount of impact aid revenue bonds that an elementary district, high school district, or K-12 school district may issue may not exceed a total aggregate amount equal to three times the average of the school district's annual federal impact aid basic support payments for the 5 years immediately preceding the issuance of the bonds. However, at the time of issuance of the bonds, the average annual payment of principal and interest on the impact aid bonds each year may not exceed 35% of the total federal impact aid basic support payments of the school district for the current year.

(4) When the total indebtedness of a school district has reached the limitations prescribed in this section, the school district may pay all reasonable and necessary expenses of the school district on a cash basis in accordance with the financial administration provisions of this chapter.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(5) Whenever bonds are issued for the purpose of refunding bonds, any money to the credit of the debt service fund for the payment of the bonds to be refunded is applied toward the payment of the bonds and the refunding bond issue is decreased accordingly.

(6) As used in this part, "federal impact aid basic support payment" means the annual impact aid revenue received by a district under 20 U.S.C. 7703(b) but excludes revenue received for impact aid special education under 20 U.S.C. 7703(d) and impact aid construction under 20 U.S.C. 7707."

Insert: **Section 7676.** Section 20-9-422, MCA, is amended to read:

"20-9-422. Additional requirements for trustees' resolution calling bond election.

(1) In addition to the requirements for calling an election that are prescribed in 20-20-201 and 20-20-203, the trustees' resolution calling a school district bond election must:

- (a) specify whether the bonds will be general obligation bonds or impact aid revenue bonds;
- (b) fix the exact amount of the bonds proposed to be issued, which may be more or less than the amounts estimated in a petition;
- (c) fix the maximum number of years in which the proposed bonds would be paid;
- (d) in the case of initiation by a petition, state the essential facts about the petition and its presentation; and
- (e) state the amount of the state advance for school facilities estimated, pursuant to subsection (2), to be received by the district in the first school fiscal year in which a debt service payment would be due on the proposed bonds.

(2) Prior to the adoption of the resolution calling for a school bond election for a general obligation bond, the trustees of a district may request from the superintendent of public instruction a statement of the estimated amount of state advance for school facilities that the district will receive for debt service payments on the proposed general obligation bonds in the first school fiscal year in which a debt service payment is due. The district shall provide the superintendent with an estimate of the debt service payment due in the first school fiscal year. ~~The superintendent shall estimate the state advance for the general obligation bond issue pursuant to 20-9-371(2)."~~

Insert: **Section 7777.** Section 20-9-439, MCA, is amended to read:

"20-9-439. Computation of net levy requirement for general obligation bonds -- procedure when levy inadequate. Subject to 20-6-326, the following provisions apply:

(1) The county superintendent shall compute the levy requirement for each school district's general obligation debt service fund on the basis of the following procedure:

- (a) Determine the total money available in the debt service fund for the reduction of the property tax on the district by totaling:
 - (i) the end-of-the-year fund balance in the debt service fund, less any limited operating reserve as provided in 20-9-438;
 - (ii) anticipated interest to be earned by the investment of debt service cash in accordance with the provisions of 20-9-213(4) or by the investment of bond proceeds under the provisions of 20-9-435;
 - ~~(iii) any state advance for school facilities distributed to a qualified district under the provisions of 20-9-346, 20-9-370, and 20-9-371;~~
 - (iv)(iii) funds transferred from the impact aid fund established pursuant to 20-9-514 that are authorized by 20-9-437(2) to be used to repay the district's bonds; and

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

~~(v)~~(iv) any other money, including money from federal sources, anticipated by the trustees to be available in the debt service fund during the ensuing school fiscal year from sources such as legally authorized money transfers into the debt service fund or from rental income, ~~excluding any guaranteed tax base aid.~~

(b) Subtract the total amount available to reduce the property tax, determined in subsection (1)(a), from the final budget for the debt service fund as established in 20-9-438.

(2) The net debt service fund levy requirement determined in subsection (1)(b) must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the net debt service fund levy requirement for the district, and a levy must be made by the county commissioners in accordance with 20-9-142.

(3) If the board of county commissioners fails in any school fiscal year to make a levy for any issue or series of bonds of a school district sufficient to raise the money necessary for payment of interest and principal becoming due during the next ensuing school fiscal year, in any amounts established under the provisions of this section, the holder of any bond of the issue or series or any taxpayer of the district may apply to the district court of the county in which the school district is located for a writ of mandate to compel the board of county commissioners of the county to make a sufficient levy for payment purposes. If, upon the hearing of the application, it appears to the satisfaction of the court that the board of county commissioners of the county has failed to make a levy or has made a levy that is insufficient to raise the amount required to be raised as established in the manner provided in this section, the court shall determine the amount of the deficiency and shall issue a writ of mandate directed to and requiring the board of county commissioners, at the next meeting for the purpose of fixing tax levies for county purposes, to fix and make a levy against all taxable property in the school district that is sufficient to raise the amount of the deficiency. The levy is in addition to any levy required to be made at that time for the ensuing school fiscal year. Any costs that may be allowed or awarded the petitioner in the proceeding must be paid by the members of the board of county commissioners and may not be a charge against the school district or the county.""

Insert: **Section 7878.** Section 20-9-501, MCA, is amended to read:

"20-9-501. Retirement costs and retirement fund. (1) The trustees of a district or the management board of a cooperative employing personnel who are members of the teachers' retirement system or the public employees' retirement system, who are covered by unemployment insurance, or who are covered by any federal social security system requiring employer contributions shall establish a retirement fund for the purposes of budgeting and paying the employer's contributions to the systems as provided in subsection (2)(a). The district's or the cooperative's contribution for each employee who is a member of the teachers' retirement system must be calculated in accordance with Title 19, chapter 20, part 6. The district's or the cooperative's contribution for each employee who is a member of the public employees' retirement system must be calculated in accordance with 19-3-316. The district's or the cooperative's contributions for each employee covered by any federal social security system must be paid in accordance with federal law and regulation. The district's or the cooperative's contribution for each employee who is covered by unemployment insurance must be paid in accordance with Title 39, chapter 51, part 11.

(2) (a) The district or the cooperative shall pay the employer's contributions to the retirement, federal social security, and unemployment insurance systems from the retirement fund for the following:

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(i) a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from state or local funding sources;

(ii) a cooperative employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from the cooperative's interlocal cooperative fund if the fund is supported solely from districts' general funds and state special education allowable cost payments, pursuant to 20-9-321, or are paid from the miscellaneous programs fund, provided for in 20-9-507, from money received from the medicaid program, pursuant to 53-6-101;

(iii) a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from the district's school food services fund provided for in 20-10-204;

(iv) a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from the district impact aid fund, pursuant to 20-9-514; and

(v) for the 2011 biennium only, a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are budgeted in the district general fund but are paid from state fiscal stabilization funds received pursuant the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

(b) For an employee whose benefits are not paid from the retirement fund, the district or the cooperative shall pay the employer's contributions to the retirement, federal social security, and unemployment insurance systems from the funding source that pays the employee's salary.

(3) The trustees of a district required to make a contribution to a system referred to in subsection (1) shall include in the retirement fund of the final budget the estimated amount of the employer's contribution. After the final retirement fund budget has been adopted, the trustees shall pay the employer contributions to the systems in accordance with the financial administration provisions of this title.

(4) When the final retirement fund budget has been adopted, the county superintendent shall establish the levy requirement by:

(a) determining the sum of the money available to reduce the retirement fund levy requirement by adding:

(i) any anticipated money that may be realized in the retirement fund during the ensuing school fiscal year;

~~(ii) oil and natural gas production taxes;~~

~~(iii)~~(ii) coal gross proceeds taxes under 15-23-703;

~~(iv)~~(iii) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the retirement fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the retirement fund. The retirement fund operating reserve may not be more than 35% of the final retirement fund budget for the ensuing school fiscal year and must be used for the purpose of paying retirement fund warrants issued by the district under the final retirement fund budget.

~~(v)~~(iv) any other revenue anticipated that may be realized in the retirement fund during the ensuing school fiscal year, ~~excluding any guaranteed tax base aid.~~

(b) notwithstanding the provisions of subsection (9), subtracting the money available for reduction of the levy requirement, as determined in subsection (4)(a), from the budgeted amount for expenditures in the final retirement fund budget.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

(5) The county superintendent shall:

(a) total the net retirement fund levy requirements separately for all elementary school districts, all high school districts, and all community college districts of the county, including any prorated joint district or special education cooperative agreement levy requirements; and

(b) report each levy requirement to the county commissioners on the fourth Monday of August as the respective county levy requirements for elementary district, high school district, and community college district retirement funds.

(6) The county commissioners shall fix and set the county levy or district levy in accordance with 20-9-142.

(7) The net retirement fund levy requirement for a joint elementary district or a joint high school district must be prorated to each county in which a part of the district is located in the same proportion as the district ANB of the joint district is distributed by pupil residence in each county. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county as provided in 20-9-151.

(8) The net retirement fund levy requirement for districts that are members of special education cooperative agreements must be prorated to each county in which the district is located in the same proportion as the special education cooperative budget is prorated to the member school districts. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county in the same manner as provided in 20-9-151, and the county commissioners shall fix and levy the net retirement fund levy for each county in the same manner as provided in 20-9-152.

(9) The county superintendent shall calculate the number of mills to be levied on the taxable property in the county to finance the retirement fund net levy requirement by dividing the amount determined in subsection (5)(a) by the ~~sum of:~~

~~(a) the amount of guaranteed tax base aid that the county will receive for each mill levied, as certified by the superintendent of public instruction; and~~

~~(b) the taxable valuation of the district divided by 1,000.~~

(10) The levy for a community college district may be applied only to property within the district.

(11) The county superintendent of each county shall submit a report of the revenue amounts used to establish the levy requirements for county school funds supporting elementary and high school district retirement obligations to the superintendent of public instruction not later than the second Monday in September. The report must be completed on forms supplied by the superintendent of public instruction.""

Insert: **Section 7979.** Section 20-9-515, MCA, is amended to read:

"20-9-515. Litigation reserve fund. (1) The trustees of a school district may establish a litigation reserve fund only when litigation that is pending against the district could result in an award against the district.

(2) At the end of each school fiscal year, the trustees of a district may transfer money from the general fund, within the adopted budget, to establish the fund.

(3) Upon conclusion of litigation, the balance of the money in the fund reverts to the general fund and must be used to reduce the district's general fund ~~BASE~~ over-BASE budget levy requirement computed pursuant to 20-9-141.""

Insert: **Section 8080.** Section 20-9-533, MCA, is amended to read:

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

"20-9-533. Technology acquisition and depreciation fund -- limitations. (1) The trustees of a district may establish a technology acquisition and depreciation fund for school district expenditures incurred and depreciation accrued for:

- (a) the purchase, rental, repair, maintenance, and depreciation of technological equipment, including computers and computer network access; and
- (b) associated technical training for school district personnel.

(2) Any expenditures from the technology acquisition and depreciation fund must be made in accordance with the financial administration requirements for a budgeted fund pursuant to this title. The trustees of a district shall fund the technology acquisition and depreciation fund with:

- ~~_____ (a) the state money received under 20-9-534; and~~
- ~~_____ (b) other local, state, private, and federal funds received for the purpose of funding technology or technology-associated training.~~

(3) In depreciating the technological equipment of a school district, the trustees may include in the district's budget, contingent upon voter approval of a levy under subsection (6) and pursuant to the school budgeting requirements of this title, an amount each fiscal year that does not exceed 20% of the original cost of any technological equipment, including computers and computer network access, that is owned by the district. The amount budgeted may not, over time, exceed 150% of the original cost of the equipment.

(4) The annual revenue requirement for each district's technology acquisition and depreciation fund determined within the limitations of this section must be reported by the county superintendent of schools to the board of county commissioners on the fourth Monday of August as the technology acquisition and depreciation fund levy requirement for that district, and a levy must be made by the county commissioners in accordance with 20-9-142.

(5) Any expenditure of technology acquisition and depreciation fund money must be within the limitations of the district's final technology acquisition and depreciation fund budget and the school financial administration provisions of this title.

(6) In addition to the funds received pursuant to subsection (2), the trustees of a school district may submit a proposition to the qualified electors of the district to approve an additional levy to fund the depreciation of technological equipment authorized under this section. The election must be called and conducted in the manner prescribed by this title for school elections and in the manner prescribed by 15-10-425.

(7) The technology proposition is approved if a majority of those electors voting at the election approve the levy. Notwithstanding any other provision of law, the levy under subsection (6) is subject to 15-10-420.

(8) The trustees of a district may not use revenue in the technology acquisition and depreciation fund to finance contributions to the teachers' retirement system, the public employees' retirement system, or the federal social security system or for unemployment compensation insurance.""

Insert: Section 8181. Section 20-9-622, MCA, is amended to read:

"20-9-622. Guarantee account. ~~(1)~~ There is a guarantee account in the state special revenue fund. The guarantee account is intended to:

- ~~(a)~~ (1) stabilize the long-term growth of the permanent fund; and
- ~~(b)~~ (2) maintain a constant and increasing distributable revenue stream. All realized capital gains and all distributable revenue must be deposited in the guarantee account. ~~Except~~

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

~~as provided in subsection (2), the~~ The guarantee account is statutorily appropriated, as provided in 17-7-502, for distribution to school districts through school equalization aid ~~as provided in 20-9-343.~~

~~(2) As long as a portion of the coal severance tax loan authorized in section 8, Chapter 418, Laws of 2001, is outstanding, the department of natural resources and conservation shall monthly transfer from the guarantee account to the general fund an amount that represents the amount of interest income that would be earned from the investment of the amount of the loan that is currently outstanding. When the loan is fully paid, all mineral royalties deposited in the guarantee account must be transferred to the school facility and technology account pursuant to 17-6-340."~~

Insert: **Section 8282.** Section 20-9-630, MCA, is amended to read:

"20-9-630. School district block grants. (1) (a) The office of public instruction shall provide a block grant to each school district based on the revenue received by each district in fiscal year 2001 from vehicle taxes and fees, corporate license taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999.

(b) Block grants must be calculated using the electronic reporting system that is used by the office of public instruction and school districts. The electronic reporting system must be used to allocate the block grant amount into each district's budget as an anticipated revenue source by fund.

(c) With the exception of vehicle taxes and fees, the office of public instruction shall use the amount actually received from the sources listed in subsection (1)(a) in fiscal year 2001 in its calculation of the block grant for fiscal year 2002 budgeting purposes. For vehicle taxes and fees, the office of public instruction shall use 93.4% of the amount actually received in fiscal year 2001 in calculating the block grant for fiscal year 2002.

(2) If the fiscal year 2003 appropriation provided in section 248(1), Chapter 574, Laws of 2001, is insufficient to fund the school district block grants in fiscal year 2003 at the fiscal year 2002 level, the office of public instruction shall prorate the block grants to meet the remaining appropriation. School districts shall anticipate the prorated block grant amounts provided by the office of public instruction in their budgets for fiscal year 2003.

(3) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May ~~at the same time that guaranteed tax base aid is distributed.~~

(4) (a) The block grant for the district general fund is equal to the average amount received in fiscal years 2002 and 2003 by the district general fund from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.

(b) The block grant for the district transportation fund is equal to one-half of the average amount received in fiscal years 2002 and 2003 by the district transportation fund from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.

(c) (i) The combined fund block grant is equal to the average amount received in fiscal years 2002 and 2003 by the district tuition, bus depreciation reserve, building reserve, nonoperating, and adult education funds from the block grants provided for in subsection (1).

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.

(ii) The school district may deposit the combined fund block grant into any budgeted fund of the district.""

Insert: **Section 8383.** Section 69-11-202, MCA, is amended to read:

"69-11-202. Establishment and notice of schedule for passenger carriers. A common carrier of passengers by railroad or by vessel plying upon waters lying wholly within this state shall establish and give public notice of a schedule time for the starting of trains or vessels from their stations or wharves. A common carrier shall, except in case of accident or detention caused by connecting lines or weather conditions, start trains or vessels at or within 10 minutes after the schedule time. Failure to comply is punishable by a fine of \$250, to be recovered by action before any court of competent jurisdiction, upon complaint filed by the county attorney, and paid into the ~~elementary county equalization~~ general fund.""

Insert: **Section 8484.** Section 90-6-309, MCA, is amended to read:

"90-6-309. Tax prepayment -- large-scale mineral development. (1) After permission to commence operation is granted by the appropriate governmental agency and upon request of the governing body of a county in which a facility is to be located, a person intending to construct or locate a large-scale mineral development in this state shall prepay property taxes as specified in the impact plan. This prepayment must exclude the 6-mill university levy established under 15-10-108 ~~and may exclude the mandatory county levies for the school BASE funding program established in 20-9-331 and 20-9-333.~~

(2) The person who is to prepay under this section is not obligated to prepay the entire amount established in subsection (1) at one time. Upon request of the governing body of an affected local government unit, the person shall prepay the amount shown to be needed from time to time as determined by the board.

(3) The person who is to prepay shall guarantee to the hard-rock mining impact board, through an appropriate financial institution, as may be required by the board, that property tax prepayments will be paid as needed for expenditures created by the impacts of the large-scale mineral development.

(4) When the mineral development facilities are completed and assessed by the department of revenue, they are subject during the first 3 years and thereafter to taxation as all other property similarly situated, except that in each year after the start of production, the local government unit that received a property tax prepayment shall provide for repayment of prepaid property taxes in accordance with subsection (5).

(5) A local government unit that received all or a portion of the property tax prepayment under this section shall provide for tax crediting as specified in the impact plan. The tax credit allowed in any year may not, however, exceed the tax obligation of the developer for that year, and the time period for tax crediting is limited to the productive life of the mining operation.""

Insert: **Section 8585.** Section 90-6-403, MCA, is amended to read:

"90-6-403. Jurisdictional revenue disparity -- conditioned exemption and reallocation of certain taxable valuation. (1) When an impact plan for a large-scale mineral development approved pursuant to 90-6-307 identifies a jurisdictional revenue disparity, the board shall promptly notify the developer, all affected local government units, and the department of revenue of the disparity. Except as provided in 90-6-404 and this section, the increase in taxable valuation of the mineral development that occurs after the issuance and

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

validation of a permit under 82-4-335 is not subject to the usual application of county and school district property tax mill levies. This increase in taxable valuation must be allocated to local government units as provided in 90-6-404. The increase in taxable valuation allocated as provided in 90-6-404 is subject to 15-10-420 and the application of property tax mill levies in the local government unit to which it is allocated. The increase in taxable valuation allocated to the local government unit is considered newly taxable property in the recipient local government unit as provided in 15-10-420.

(2) Subject to 15-10-420, the total taxable valuation of a large-scale mineral development remains subject to the statewide mill levies ~~and basic county levies for elementary and high school~~ for BASE funding programs as provided in 20-9-331 and 20-9-333.

(3) The provisions of subsection (1) remain in effect until the large-scale mineral development ceases operations or until the existence of the jurisdictional revenue disparity ceases, as determined by the board."

Insert: **Section 8686.** Section 90-6-1001, MCA, is amended to read:

"90-6-1001. Oil, gas, and coal natural resource accounts. (1) There is an oil and gas natural resource distribution account in the state special revenue fund. The collections allocated to the account from 15-36-304(7)(b) must be deposited in the account ~~to be used and distributed to counties~~ as provided in 15-36-332(8) and (9).

(2) There is a coal natural resource account in the state special revenue fund. The collections allocated to the account from 15-35-108(7) must be deposited in the account. The money in the account is allocated to the coal board provided for in 2-15-1821 and may be used only for local impact grants provided for in 90-6-205 through 90-6-207 and costs related to the administration of the grant awards."

Insert: **NEW SECTION. Section 8787. Rulemaking authority of superintendent of public instruction.** The superintendent of public instruction shall make rules to provide for the adjustment of the core curriculum teacher payment calculation based upon an increase in enrollment. The rules must include:

(1) an application process for a school district to request an increase in the core curriculum teacher calculation for a school or schools;

(2) procedures as to the frequency that a school district may apply for an increase; and

(3) procedures for determining whether a school has a decrease in the number of students requiring a decrease in the number of core curriculum teachers."

Insert: **NEW SECTION. Section 8888. Ad hoc committee on accreditation standards -- appointment process.** (1) There is an ad hoc committee on accreditation standards that shall meet during the interim for the purpose of reviewing and approving accreditation standards for K-12 schools.

(2) The ad hoc accreditation standards committee must consist of:

(a) four members from the house of representatives appointed by the speaker of the house;

(b) four members from the senate appointed by the committee on committees;

(c) one representative of the office of public instruction; and

(d) one representative from the board of public education.

(3) The committee may request recommendations for curriculum or accreditation standards from the superintendent of public instruction or the board of public education."

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Insert: NEW SECTION. **Section 8989. Repealer.** The following sections of the Montana Code Annotated are repealed:

- 15-30-2336. Refundable income tax credit -- statewide equalization property tax levies on principal residence -- rules.
- 20-7-202. School library required.
- 20-9-331. Basic county tax for elementary equalization and other revenue for county equalization of elementary BASE funding program.
- 20-9-333. Basic county tax for high school equalization and other revenue for county equalization of high school BASE funding program.
- 20-9-335. Formula for apportionment of county equalization money.
- 20-9-343. Definition of and revenue for state equalization aid.
- 20-9-361. County equalization revenue.
- 20-9-366. Definitions.
- 20-9-367. Eligibility to receive guaranteed tax base aid or state advance or reimbursement for school facilities.
- 20-9-368. Amount of guaranteed tax base aid.
- 20-9-369. Duties of superintendent of public instruction and department of revenue.
- 20-9-370. Definitions.
- 20-9-371. Calculation and uses of school facility entitlement amount.
- 20-9-534. Statutory appropriation for school technology purposes."

Insert: NEW SECTION. **Section 9090. Appropriation.** There is appropriated \$200,000 for the biennium beginning July 1, 2011, to the ad hoc committee on accreditation standards for the purpose of reviewing the K-12 standards and recommending core curriculum standards to the 2013 legislature."

Insert: NEW SECTION. **Section 9191. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe."

Insert: NEW SECTION. **Section 9292. Codification instruction.** [Section 55] is intended to be codified as an integral part of Title 20, chapter 9, and the provisions of Title 20, chapter 9, apply to [section 55]."

Insert: NEW SECTION. **Section 9393. Effective date.** [This act] is effective July 1, 2011."

Amendment **not** adopted as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Burnett, Cuffe, Edmunds, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Miller, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.
Total 37

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan,

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

More, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 63

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 329 - Representative C. Smith moved **SB 329**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, More, O'Hara, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, Squires, Taylor, Vance, Washburn, Welborn, Mr. Speaker.

Total 52

Nays: Arntzen, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Hands, Harris, Hill, Hiner, Hollenbaugh, Hunter, Kary, Kennedy, Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, C. Smith, F. Smith, Stahl, Swanson, Wagner, Williams, Wilmer, Yates.

Total 47

Excused: None.

Total 0

Absent or not voting: Warburton.

Total 1

SB 423 - Representative Berry moved **SB 423** be concurred in.

SB 423 - Representative Fitzpatrick moved **SB 423**, second reading copy, be amended as follows:

1. Page 6, line 3.

Following: "corrections"

Strike: "or"

Insert: ", "

Following: "court"

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Insert: ", a district court, or a court of limited jurisdiction or is ordered by a court to participate in any state, county, or local government criminal supervision or enforcement program"

2. Page 6, line 28.

Following: "court"

Insert: ", a district court, or a court of limited jurisdiction or is ordered by a court to participate in any state, county, or local government criminal supervision or enforcement program"

3. Page 10, line 18.

Following: "facility"

Insert: ", including all facilities described in 53-1-203"

4. Page 10, line 21.

Following: "public"

Strike: "or"

5. Page 10, line 23.

Following: "children"

Insert: "; or (xi) who is under the supervision of the department of corrections or a youth court or is ordered by a court to participate in any state, county, or local government criminal supervision or enforcement program"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: B. Bennett, Harris, Hill, Wagner.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

SB 423 - Representative Noonan moved **SB 423**, second reading copy, be further amended as follows:

1. Page 7, line 5 through line 7.

Following: "(3)" on line 5

Insert: "(a)"

Strike: "only one" on line 5 through "marriage" on line 7

Insert: "up to 30 registered cardholders"

2. Page 3.

Following: line 7

Insert: "(b) If the provider is a registered cardholder, the provider's card must be included as part of the total count of cards held."

3. Page 7, line 10 through line 13.

Strike: ":" on line 10 through "(a)" on line 11

Strike: ";" on line 11 through "cardholder" on line 13

4. Page 11, line 13.

Following: "marijuana"

Insert: "unless the provider is also a registered cardholder"

5. Page 11, line 14.

Following: "personal use"

Insert: "if the provider is not a registered cardholder"

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Excused: None.

Total 0

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Absent or not voting: None.

Total 0

SB 423 - Representative Berry moved **SB 423**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 77

Nays: Barrett, B. Bennett, Driscoll, Furey, Hands, Harris, Hill, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McClafferty, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Sesso, Swanson, Williams, Wilmer.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman More moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 73

Nays: Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, Hollenbaugh, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Wilmer.

Total 26

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

House Recessed.

House Reconvened.

Roll Call. All members present, except Representative Evans, excused. Quorum present.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative More in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 326 - Representative Furey moved **SB 326** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Kary, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 56

Nays: Arntzen, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Edmunds, Esp, Evans, Fitzpatrick, Greef, Hale, Hansen, Harris, Hendrick, Howard, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Vance, Wagner.

Total 40

Excused: None.

Total 0

Absent or not voting: Flynn, Hoven, Loney, Miller.

Total 4

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

SB 348 - Representative Welborn moved **SB 348** be concurred in.

SB 348 - Representative Knox moved **SB 348**, second reading copy, be amended as follows:

1. Page 3, line 2.

Strike: subsection (E) in its entirety

Renumber: subsequent subsections

Amendment **not** adopted as follows:

Yeas: Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Burnett, Clark, Cook, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, McGillvray, McNutt, More, O'Neil, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.
Total 43

Nays: Ankney, Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Brodehl, Court, Cuffe, Driscoll, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 51

Excused: None.
Total 0

Absent or not voting: Connell, Flynn, Hoven, Loney, Miller, Read.
Total 6

SB 348 - Representative Welborn moved **SB 348** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.
Total 90

Nays: Brodehl, Greef, Kennedy, O'Neil, Yates.
Total 5

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Excused: None.

Total 0

Absent or not voting: Connell, Flynn, Hoven, Loney, Roberts.

Total 5

SB 358 - Representative Fitzpatrick moved **SB 358** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Ingraham, C. Smith.

Total 2

Excused: None.

Total 0

Absent or not voting: Connell, Flynn, Hoven, Loney.

Total 4

HB 559 - Governor's Amendments - Representative Esp moved Governor's amendments to **HB 559** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 82

Nays: Arntzen, G. Bennett, Burnett, Hale, Harris, Kerns, Knox, McNiven, O'Neil, Peterson, Randall. Total 11

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Excused: None.

Total 0

Absent or not voting: Boland, Connell, Flynn, Hoven, Loney, Osmundson, Small.

Total 7

HB 90 - Governor's Amendments - Representative McNutt moved Governor's amendments to **HB 90** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Kennedy, Kerns, Klock, Knox, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

Nays: Ingraham, Kary, Knudsen, Randall, Read, Regier, Skees, C. Smith, Wagner, Warburton.

Total 10

Excused: None.

Total 0

Absent or not voting: Connell, Flynn, Hoven, Loney.

Total 4

HB 333 - Governor's Amendments - Representative Reichner moved Governor's amendments to **HB 333** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Excused: None.

Total 0

Absent or not voting: Connell, Hoven, Kennedy, Loney.

Total 4

HB 271 - Conference Committee Report No. 1 - Representative Kerns moved the Conference Committee report to **HB 271** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 68

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams.

Total 29

Excused: None.

Total 0

Absent or not voting: Connell, Hoven, Loney.

Total 3

SB 417 - Representative Skees moved **SB 417** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 81

Nays: Blasdel, Edmunds, Evans, Hansen, Hendrick, Kennedy, Kerns, McGillvray, Miller, O'Neil, Randall, Read, Regier, Skattum, C. Smith, Vance, Wagner, Welborn. Total 18

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Excused: None.

Total 0

Absent or not voting: Howard.

Total 1

HJR 13 - Representative Hansen moved **HJR 13** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Mr. Speaker.

Total 69

Nays: Belcourt, B. Bennett, Boland, Brodehl, Cuffe, Esp, Flynn, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Klock, MacDonald, Malek, McNutt, Mehlhoff, Menahan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer, Yates.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 187 - Representative K. Peterson moved **SB 187** be concurred in.

SB 187 - Representative Menahan moved **SB 187**, second reading copy, be amended as follows:

1. Page 8, line 24.

Following: "(1)"

Strike: "As"

Insert: "Subject to the provisions of subsections (2) and (3), as"

2. Page 8, line 25.

Following: "condition"

Strike: "under"

Insert: "of"

Following: "sentence"

Insert: "that is"

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

3. Page 8, line 25 through line 26.

Following: "shall" on line 25

Strike: remainder of line 25 through "require" on line 26

Insert: "determine whether"

Strike: "to"

Insert: "should"

4. Page 8, line 27.

Following: "as follows"

Strike: ", except as provided in subsections (2) and (3)"

5. Page 8, line 28 through line 30.

Strike: line 28 through line 30 in their entirety

Insert: "(a) If the defendant pleads guilty prior to trial:

(i) to one or more misdemeanor charges and no felony charges, the cost of counsel is \$250; or

(ii) to one or more felony charges, the cost of counsel is \$800.

(b) If the case goes to trial, the defendant shall pay the costs incurred by the office of state public defender"

6. Page 9, line 1.

Strike: the first "proceeding"

Insert: "trial"

7. Page 9, line 1 through line 2.

Following: "." on line 1

Strike: remainder of line 1 through "trial," on line 2

Following: "by"

Strike: "the"

Insert: "The"

8. Page 9, line 5.

Following: "~~statement~~"

Insert: "for the trial"

Following: "."

Insert: "(2) Any costs imposed pursuant to this section must be paid in accordance with 46-18-251(2)(e).

(3)"

Renumber: subsequent subsections

9. Page 9, line 10.

Strike: "them"

Insert: "the costs imposed by subsection (1). The court may find that the defendant is able to pay only a portion of the costs assessed"

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

10. Page 9, line 11.

Following: "account"

Strike: "the hours spent on the case and the costs and expenses incurred,"

11. Page 9, line 12.

Strike: " "

12. Page 9, line 18.

Following: line 17

Insert: "(6) Any costs imposed under this section must be included in the court's judgment."

Amendment .

SB 187 - Representative O'Neil moved the amendment be divided. Without objection, so ordered.

SB 187 - Representative O'Neil moved Do Not Concur on section 5 of Representative Menahan's amendment.

Motion **failed** as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Berry, Blyton, Brodehl, Connell, Cuffe, Edmunds, Flynn, Gibson, Greef, Hale, Hansen, Harris, Ingraham, Kary, Kennedy, Kerns, Knox, McNiven, Miller, O'Neil, Osmundson, Randall, Regier, Roberts, Rosendale, Skattum, Skees, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Yates.

Total 37

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Blasdel, Boland, Burnett, Clark, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Welborn, Wilmer, Mr. Speaker.

Total 62

Excused: None.

Total 0

Absent or not voting: Klock.

Total 1

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

SB 187 - Representative Menahan's amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.

Total 85

Nays: Brodehl, Edmunds, Gibson, Greef, Hale, Hansen, Harris, Kennedy, Miller, O'Neil, Vance, Wagner, Welborn, Yates.

Total 14

Excused: None.

Total 0

Absent or not voting: Klock.

Total 1

SB 187 - Representative K. Peterson moved **SB 187**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, Squires, Stahl, Swanson, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 81

Nays: B. Beck, G. Bennett, Cuffe, Fitzpatrick, Flynn, Hale, Harris, Kennedy, Kerns, Klock, Knox, Miller, O'Neil, Skattum, F. Smith, Taylor, Vance, Wagner, Welborn.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

SB 214 - Representative Di. Barrett moved **SB 214** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Burnett, Cook, Court, Driscoll, Ehli, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer, Yates.

Total 45

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 371 - Representative Knudsen moved **SB 371** be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McChesney, McClafferty, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 63

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Burnett, Court, Driscoll, Evans, Furey, Gibson, Greef, Hands, Hill, Hollenbaugh, Hunter, Loney, MacDonald, Malek, McGillvray, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

SB 406 - Representative Knudsen moved **SB 406** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: Hill.

Total 1

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman More moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 70

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 28

Excused: Evans.

Total 1

Absent or not voting: Yates.

Total 1

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

REPORTS OF STANDING COMMITTEES

EDUCATION (Reichner, Chairman): 4/11/2011
SJR 19, be concurred in. Report adopted.

HUMAN SERVICES (Howard, Chairman): 4/11/2011
SJR 18, be concurred in. Report adopted.
SJR 20, be concurred in. Report adopted.

NATURAL RESOURCES (Hendrick, Chairman): 4/11/2011
SJR 21, be amended as follows:

1. Page 1, line 25.

Following: "public use"

Insert: ", including whether merchant transmission lines should be considered a public use"

2. Page 1, line 27.

Following: "levels"

Insert: ", including whether current law considers damages to the condemnee's remaining interests"

3. Page 2, line 1.

Following: "impacts"

Insert: ";

(5) review alternatives that would propose the use of public land prior to the use of eminent domain to condemn private land;

(6) analyze the options for what constitutes a public use and, if necessary, provide a statutory definition of the term;

(7) determine if property owners are adequately reimbursed for costs incurred during negotiations that occur prior to eminent domain proceedings;

(8) review options for implementing an analysis of costs to Montana consumers when a project that may use eminent domain is energy-related and whether those costs should be mitigated in the permitting process"

And, as amended, be concurred in. Report adopted.

MOTIONS

Representative McGillvray moved **SB 406** be moved from the Committee of the Whole after Second Reading to the Business and Labor committee.

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Representative McGillvray moved to accede to the request of the Senate and dissolve the **Free** Conference Committee on **SB 97** and appoint a Conference Committee. Motion Carried.

Speaker Milburn appointed:

4/11/2011

Representative K. Peterson
Representative Bangerter
Representative Driscoll

Representative McGillvray moved to appoint a Conference Committee on **SB 198** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/11/2011

Representative Hendrick
Representative B. Bennett
Representative Kary

Representative McGillvray moved to appoint a Conference Committee on **SB 338** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/11/2011

Representative Kennedy
Representative G. Bennett
Representative Wilmer

Representative McGillvray moved to appoint a Conference Committee on **SB 126** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/11/2011

Representative Salomon
Representative Furey
Representative Wagner

Representative Hoven moved that **SB 94** be taken from the Taxation Committee and be brought before the Committee of the Whole and placed on second reading on April 12th.

Motion **failed** as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Roberts, Salomon, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 41

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Regier, Reichner, Rosendale, Sands, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 56

Excused: Evans.
Total 1

Absent or not voting: Court, McNiven.
Total 2

Representative G. Bennett moved that **SB 400** be taken from the Fish, Wildlife and Parks Committee and be brought before the Committee of the Whole and placed on second reading on April 12th.

Motion **failed** as follows:

Yeas: Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Cuffe, Edmunds, Esp, Flynn, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNutt, Miller, More, O'Hara, O'Neil, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 54

Nays: Ankney, Barrett, B. Bennett, Boland, Burnett, Connell, Cook, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Osmundson, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 43

Excused: Evans.
Total 1

Absent or not voting: Court, McNiven.
Total 2

HOUSE JOURNAL
EIGHTIETH LEGISLATIVE DAY - APRIL 11, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 10:00 a.m., Tuesday, April 12, 2011. Motion carried.

House adjourned at 6:03 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
EIGHTY-FIRST LEGISLATIVE DAY**

Helena, Montana
April 12, 2011

House Chambers
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Bangerter.
Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Flynn, absent. Quorum present.

BILLS (O'Hara, Chairman):

4/12/2011

Correctly printed: **HJR 34, HJR 35, HJR 36, SB 354.**

Correctly engrossed: **SB 412, SB 420.**

Correctly enrolled: **HB 51, HB 188, HB 388, HB 565.**

Examined by the sponsor and found to be correct: **HB 51, HB 188, HB 388, HB 565.**

Signed by the Speaker at 2:15 p.m., April 12, 2011: **HB 51, HB 188, HB 388, HB 565.**

Signed by the Chief Clerk of the House at 2:00 p.m., April 12, 2011: **HB 51, HB 188, HB 388, HB 565.**

Signed by the Speaker at 2:30 p.m., April 12, 2011: **HB 8, HB 83, HB 91, HB 100, HB 165, HB 279, HB 341, HB 411, HB 483, HB 551.**

Signed by the Chief Clerk of the House at 1:45 p.m., April 12, 2011: **HB 8, HB 83, HB 91, HB 100, HB 165, HB 279, HB 341, HB 411, HB 483, HB 551.**

Delivered to the Governor for approval at 8:20 a.m., April 12, 2011: **HB 166, HB 196, HB 277, HB 291, HB 533, HB 538, HB 548, HB 602.**

Signed by the Chief Clerk of the House at 7:00 p.m., April 12, 2011: **HB 306, HB 358, HB 377, HB 444, HB 458, HB 477, HB 585, HB 609, HB 616, HB 642.**

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Ingraham, Chairman):

4/12/2011

HJR 34, do pass. Report adopted.

HJR 35, do pass. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 47**
Report No. 1, April 8, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 47** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

And, recommend that Senate amendments to **House Bill 47** (reference copy -- salmon) be accepted by the House.

For the House:
K. Peterson, Chair
Kennedy

For the Senate:
Balyeat, Vice Chair
Hinkle

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 132**
Report No. 1, April 11, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 132** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 132** (reference copy -- salmon) be amended as follows:

1. Page 8, line 8.

Strike: "1,000-POUND"

Insert: "1,200-pound"

For the House:

Hoven, Chair
Taylor

For the Senate:

Tutvedt, Vice Chair
Arthun
Gillan

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 297**
Report No. 1, April 11, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 297** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 297** (reference copy -- salmon) be amended as follows:

1. Page 1, line 15.

Strike: "2013"

Insert: "2015"

For the House:

Berry, Chair
B. Bennett
Stahl

For the Senate:

Shockley, Vice Chair
Augare

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 4/11/2011

HB 51, introduced by Di. Barrett

HB 188, introduced by Loney

HB 388, introduced by Cook

HB 565, introduced by Noonan

Senate joint resolution passed and transmitted to the House for concurrence: 4/11/2011

SJR 23, introduced by Essmann

House amendments to Senate bill concurred in: 4/11/2011

SB 16, introduced by Brown

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

4/11/2011

HB 6, introduced by McChesney

HB 9, introduced by Hollenbaugh

HB 10, introduced by Hollenbaugh

HB 140, introduced by Hiner

HB 159, introduced by C. Smith

HB 209, introduced by Washburn

HB 283, introduced by Bangerter

HB 317, introduced by Cook

HB 351, introduced by Cook

HB 439, introduced by Hollenbaugh

HB 611, introduced by Cook

HB 613, introduced by Roberts

HB 615, introduced by K. Williams

HB 621, introduced by Ankney

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 23, introduced by Essmann, referred to Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

of in the following manner:

HB 90 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Ingraham, Kennedy, Knudsen, Miller, Randall, Read, Skees, C. Smith, Wagner, Warburton.

Total 10

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

HB 271 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 69

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams.

Total 29

Excused: None.

Total 0

Absent or not voting: Edmunds, Flynn.

Total 2

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

HB 559 passed as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: Arntzen, Burnett, Harris, McNiven, O'Neil, Pease-Lopez, Peterson, Sands.

Total 8

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

HJR 13 adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Furey, Greef, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNally, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 67

Nays: Belcourt, B. Bennett, Boland, Brodehl, Cuffe, Esp, Fitzpatrick, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Kerns, Klock, MacDonald, Malek, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Yates.

Total 32

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

SB 187 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Furey, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 79

Nays: B. Beck, G. Bennett, Blyton, Fitzpatrick, Gibson, Hale, Harris, Ingraham, Kennedy, Kerns, Knox, Miller, O'Neil, Randall, Skattum, Skees, Small, C. Smith, Vance, Wagner.

Total 20

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

SB 326 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Boland, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 62

Nays: Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Edmunds, Esp, Fitzpatrick, Greef, Hale, Hansen, Harris, Hoven, Howard, Ingraham, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Roberts, Rosendale, Skattum, Skees, C. Smith, Vance, Wagner.

Total 37

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

SB 329 concurred in as follows:

Yeas: Ankney, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.

Total 57

Nays: Arntzen, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Wagner, Williams, Wilmer, Yates.

Total 42

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

SB 348 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Barrett, Brodehl, Greef, Hill, Kennedy, Malek, Noonan, O'Neil, Pease-Lopez, F. Smith.

Total 10

Excused: None.

Total 0

Absent or not voting: Flynn, Stahl.

Total 2

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

SB 358 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

SB 371 concurred in as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Washburn, Yates, Mr. Speaker.

Total 60

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Burnett, Court, Driscoll, Furey, Gibson, Greef, Hands, Hill, Hollenbaugh, Hunter, Ingraham, MacDonald, Malek, McClafferty, McGillvray, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Warburton, Welborn, Williams, Wilmer.

Total 39

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

SB 417 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 82

Nays: Blasdel, Burnett, Edmunds, Esp, Hansen, Kennedy, Kerns, McGillvray, Miller, O'Neil, Randall, Regier, Reichner, Skattum, C. Smith, Vance, Wagner.
Total 17

Excused: None.
Total 0

Absent or not voting: Flynn.
Total 1

SB 423 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hale, Hansen, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 77

Nays: Barrett, Belcourt, B. Bennett, Driscoll, Furey, Hands, Harris, Hill, Hollenbaugh, Hunter, Kerns, Malek, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sesso, Squires, Swanson, Williams, Wilmer.
Total 22

Excused: None.
Total 0

Absent or not voting: Flynn.
Total 1

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

HB 2 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, C. Smith, Vance, Warburton, Washburn, Welborn, Mr. Speaker.

Total 54

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Taylor, Wagner, Williams, Wilmer, Yates.

Total 44

Excused: None.

Total 0

Absent or not voting: Flynn, Stahl.

Total 2

Representative Warburton rose on a point of personal privilege to state that although she voted no on SB 371 she meant to vote yes.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Di. Barrett in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 412 - Representative Small moved **SB 412** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires,

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 82

Nays: B. Beck, G. Bennett, Burnett, Edmunds, Esp, Flynn, Hale, Howard, Kennedy, Kerns, Knox, Loney, More, Regier, Skattum, Skees, C. Smith, Wagner. Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 372 - Representative Blasdel moved **SB 372** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 70

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 426 - Representative McGillvray moved **SB 426** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker. Total 67

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 429 - Representative Blasdel moved **SB 429** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 70

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 32 - Representative Connell moved **HJR 32** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Connell, Court, Cuffe, Driscoll, Ehli, Evans, Flynn, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 73

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Nays: B. Beck, B. Bennett, Brodehl, Clark, Cook, Edmunds, Esp, Fitzpatrick, Gibson, Hale, Howard, Kerns, Knox, Knudsen, McNutt, Miller, More, O'Neil, Randall, Regier, Salomon, Skattum, Skees, Taylor, Vance, Wagner, Yates.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 418 - Representative MacLaren moved **SB 418** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: O'Hara.

Total 1

HJR 33 - Representative MacLaren moved **HJR 33** be adopted. Motion **failed** as follows:

Yeas: Ankney, Bangerter, B. Beck, Berry, Blyton, Clark, Connell, Cook, Cuffe, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Small, C. Smith, Stahl, Taylor, Vance, Washburn, Williams, Mr. Speaker.

Total 46

Nays: Barrett, Belcourt, B. Bennett, G. Bennett, Blasdel, Boland, Brodehl, Burnett, Court, Driscoll, Edmunds, Furey, Greef, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kary, Kennedy,

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Swanson, Wagner, Warburton, Welborn, Wilmer, Yates.

Total 52

Excused: None.

Total 0

Absent or not voting: Arntzen, Randall.

Total 2

SB 420 - Representative Ingraham moved **SB 420** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: B. Beck, G. Bennett, Blasdel, Edmunds, Esp, Fitzpatrick, Hale, Kennedy, Kerns, Knudsen, McGillvray, Peterson, Randall, Regier, Skattum, Wagner, Warburton.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 24 - Representative Blyton moved **HJR 24** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Mr. Speaker.

Total 63

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Brodehl, Court, Cuffe, Driscoll, Esp, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Yates.

Total 36

Excused: None.

Total 0

Absent or not voting: Blyton.

Total 1

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Di. Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 68

Nays: Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Excused: Flynn.

Total 1

Absent or not voting: Yates.

Total 1

Representative Sesso moved that the House Democrats Caucus. Motion carried.

House Recessed.

House Reconvened.

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

REPORTS OF STANDING COMMITTEES

JUDICIARY (Peterson, Chairman):
HJR 36, do pass. Report adopted.
SB 354, be concurred in. Report adopted.

4/12/2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Di. Barrett in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 411 - Representative McNally moved **SB 411** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 81

Nays: G. Bennett, Blyton, Brodehl, Edmunds, Hale, Hendrick, Kary, Kennedy, Kerns, Knox, More, O'Neil, Randall, Read, Skattum, Skees, C. Smith, Wagner, Warburton.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 39 - Representative MacLaren moved **HJR 39** be adopted. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, Belcourt, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hollandsworth, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips,

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Randall, Read, Reinhart, Roberts, Rosendale, Salomon, Sands, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.

Total 72

Nays: Ankney, B. Beck, B. Bennett, G. Bennett, Brodehl, Cuffe, Edmunds, Esp, Flynn, Hill, Hiner, Hollenbaugh, Howard, Kennedy, Kerns, Knox, McNally, Price, Regier, Reichner, Schmidt, Sesso, Skattum, Small, Welborn, Yates.

Total 26

Excused: None.

Total 0

Absent or not voting: Harris, Noonan.

Total 2

SB 253 - Representative Blasdel moved **SB 253** be concurred in.

Representative McGillvray moved to pass **SB 253** until after the House Recessed.

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Di. Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 82

Nays: B. Bennett, Blasdel, Boland, Furey, Hill, Malek, Noonan, Pease-Lopez, Phillips, Price, Randall, Sesso, Squires.

Total 13

Excused: None.

Total 0

Absent or not voting: Court, Esp, McChesney, Miller, Welborn.

Total 5

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

House Recessed.
House Reconvened.

Representative Schmidt read the following proclamation:

***A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA
LUPUS AWARENESS MONTH PROCLAMATION***

April 12, 2011

WHEREAS, each year the Lupus Foundation of America designates May as National Lupus Awareness Month to show support for the estimated 1.5 million Americans who have lupus; and

WHEREAS, lupus is an acute and chronic, lifelong autoimmune disease in which the immune system is unbalanced, causing inflammation and tissue damage to virtually every organ system in the body. It can affect any part of the body, including the skin, lungs, heart, kidneys, and brain. No organ is spared. The disease can cause seizures, strokes, heart attacks, miscarriages, and organ failure. Lupus costs the nation over \$100 billion a year in direct and indirect medical costs; and

WHEREAS, while lupus strikes mostly women of childbearing age, no one is safe from lupus. Native Americans, African American, Hispanics/Latinos, and Asians are two to three times more likely to develop lupus--a disparity that remains unexplained; and

WHEREAS, lupus can be particularly difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the cause and consequences of lupus. More than half of all people with lupus take four or more years and visit three or more doctors before obtaining a correct diagnosis; and

WHEREAS, there have been no new drugs approved by the U.S. Food and Drug Administration specifically for lupus in 52 years; current treatments for the disease can have damaging side effects. Drugs for lupus that are available today are older, further increasing patient suffering and indirect medical costs of the disease; and

WHEREAS, nearly 5,000 citizens in Montana are directly affected by lupus along with their families and friends.

Now, therefore, be it resolved by the House of Representatives and the Senate of the State of Montana that we do hereby proclaim the month of May as Lupus Awareness Month in Montana.

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

The Ringling Five, from Shield River Valley entertained the House of Representatives with Music. They were accompanied by Dorothy's Girls, Josie Jesson, Lilly Eaton, Kellan Young, Bailee Clift, Bray Holmes and Emily Romans from Livingston.

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 26, introduced by Lewis, referred to Appropriations.

SJR 27, introduced by Caferro, Lewis, referred to Human Services.

MOTIONS

Representative Berry moved to suspend the rules and accept **HB 555**. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.
Total 64

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Wagner, Williams, Wilmer, Yates.
Total 36

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative C. Smith moved to override the Governor's Veto on **HB 342**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt,

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Hoven moved to reconsider previous action taken on **SB 214**, and place it on second reading on April 13th.

Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Swanson, Warburton, Williams, Wilmer, Yates.

Total 54

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Brodehl, Burnett, Clark, Connell, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McChesney, McGillvray, More, O'Neil, Osmundson, Peterson, Randall, Regier, Rosendale, Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Washburn, Mr. Speaker.

Total 45

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Di. Barrett in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 253 - Representative Blasdel moved **SB 253** be concurred in.

SB 253 - Representative K. Williams moved **SB 253**, second reading copy, be amended as follows:

1. Title, page 1, line 6 through line 8.
Strike: "THE CREDIT" on line 6 through "CONVERSION," on line 8
2. Title, page 1, line 11 through line 13.
Strike: "THE CREDIT" on line 11 through "GENERATION," on line 13
3. Title, page 1, line 13 through line 14.
Strike: "THE CREDITS" on line 13 through "MATERIAL," on line 14
4. Title, page 1, line 20.
Strike: "15-32-104," through "15-32-106,"
5. Title, page 1, line 23.
Strike: "15-30-2319, 15-30-2320,"
6. Page 1, line 24.
Strike: "15-31-137,"
7. Title, page 1, line 25 through line 26.
Strike: "15-32-109," on line 25 through "15-32-407," on line 26
8. Title, page 1, line 27 through line 28.
Strike: "15-32-601," on line 27 through "15-32-609,"
9. Page 2, line 24 through page 3, line 21.
Strike: section 2 through section 4 in their entirety
Renumber: subsequent sections
10. Page 29, line 20.
Strike: "15-32-202, 15-32-404,"

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

11. Page 30, line 4 through line 5.

Strike: "15-30-2319." on line 4 through "conversion." on line 5

12. Page 30, line 14.

Strike: "15-31-137." through "conversion."

13. Page 30, line 30 through page 31, line 10.

Strike: "15-32-109." on page 30, line 30 through "authorized." on page 31, line 10

14. Page 31, line 19 through line 24.

Strike: "15-32-601." on line 19 through "rulemaking." on line 24

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 36

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 64

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 253 - Representative Blasdel moved **SB 253** be concurred in. Motion carried as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Mr. Speaker.

Total 51

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Yates.
Total 47

Excused: None.
Total 0

Absent or not voting: Harris, Kennedy.
Total 2

SB 265 - Representative Lavin moved **SB 265** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 57

Nays: Arntzen, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Harris, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Rosendale, Skattum, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 43

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 409 - Representative G. Bennett moved **SB 409** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale,

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 77

Nays: Belcourt, Boland, Court, Driscoll, Hollenbaugh, MacDonald, Malek, McNally, Mehlhoff, Noonan, Pease-Lopez, Peterson, Phillips, Price, Sands, Schmidt, Sesso, Stahl, Swanson, Williams, Wilmer, Yates.
Total 22

Excused: None.
Total 0

Absent or not voting: Hoven.
Total 1

HJR 9 - Representative Knox moved **HJR 9** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Mr. Speaker.
Total 53

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Blyton, Boland, Clark, Cook, Court, Driscoll, Esp, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kary, Kerns, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer, Yates.
Total 46

Excused: None.
Total 0

Absent or not voting: Randall.
Total 1

HJR 25 - Representative Malek moved **HJR 25** be adopted. Motion carried as follows:

Yeas: Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Court, Cuffe, Driscoll, Edmunds, Evans, Furey, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Ingraham, Lavin, Loney, MacDonald, MacLaren, Malek, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price,

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Randall, Read, Reichner, Reinhart, Salomon, Sands, Schmidt, Skees, F. Smith, Squires, Swanson, Vance, Wagner, Warburton, Williams, Wilmer.
Total 56

Nays: Ankney, Arntzen, Bangerter, B. Beck, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Howard, Hunter, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, McChesney, McGillvray, McNiven, McNutt, Peterson, Regier, Roberts, Rosendale, Sesso, Skattum, Small, C. Smith, Stahl, Taylor, Washburn, Welborn, Yates, Mr. Speaker.
Total 44

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 28 - Representative MacDonald moved **HJR 28** be adopted. Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Blyton, Boland, Clark, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 42

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, More, O'Neil, Osmundson, Randall, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 58

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 29 - Representative Furey moved **HJR 29** be adopted. Motion **failed** as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Blyton, Boland, Clark, Court, Cuffe, Driscoll, Evans, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara,

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Mr. Speaker.
Total 48

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Connell, Cook, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Roberts, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates.
Total 52

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 31 - Representative Hendrick moved **HJR 31** be adopted. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, Osmundson, Phillips, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 56

Nays: Ankney, Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Court, Driscoll, Edmunds, Esp, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Peterson, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 44

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 38 - Representative Hansen moved **HJR 38** be adopted.

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Representative Warburton rose on a point of personal privilege to ask that members keep the decorum and civility of the House by refraining from using names of members, especially when those members are not present.

Representative Brodehl rose on a point of personal privilege to state that earlier in the discussion he was accused of talking about wages, retirement and pensions. He stated that he did not discuss any of those things and that he would appreciate comments be kept truthful.

Representative Squires rose on a point of personal privilege to respond.

Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Connell, Cuffe, Edmunds, Ehli, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hoven, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.
Total 52

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Burnett, Clark, Cook, Court, Driscoll, Esp, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.
Total 48

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 295 - Representative Taylor moved **SB 295** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 82

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Nays: Belcourt, Boland, Furey, Hands, Hill, Hollenbaugh, MacDonald, Malek, McClafferty, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, Swanson.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 414 - Representative Cuffe moved **SB 414** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cuffe, Edmunds, Esp, Evans, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn.
Total 49

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer, Yates, Mr. Speaker.
Total 51

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 424 - Representative Sesso moved **SB 424** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Vance, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 76

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

Nays: G. Bennett, Blasdel, Burnett, Edmunds, Esp, Harris, Hollandsworth, Kennedy, Kerns, Knox, McGillvray, Miller, More, O'Neil, Osmundson, Peterson, Regier, Skattum, Skees, C. Smith, Stahl, Wagner, Warburton, Washburn.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Di. Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Wilmer, Yates, Mr. Speaker.

Total 73

Nays: B. Bennett, Boland, Furey, Hands, Hendrick, Hill, MacDonald, Malek, McClafferty, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams.

Total 21

Excused: None.

Total 0

Absent or not voting: Ankney, Barrett, Cuffe, Harris, Miller, Welborn.

Total 6

MOTIONS

Representative McGillvray moved to appoint a **Free** Conference Committee on **HB 621** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/11/2011

Representative Ankney

Representative Cuffe

Representative Hollenbaugh

HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 12, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 10:00 a.m., Wednesday, April 13, 2011. Motion carried.

House adjourned at 3:38 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
EIGHTY-SECOND LEGISLATIVE DAY**

Helena, Montana
April 13, 2011

House Chambers
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Knox.
Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman):

4/13/2011

Delivered to the Governor for approval at 10:50 a.m., April 13, 2011: **HB 51, HB 83, HB 91, HB 100, HB 165, HB 188, HB 279, HB 341, HB 388, HB 411, HB 483, HB 551, HB 565.**

Delivered to the Governor for approval at 12:05 p.m., April 13, 2011: **HB 219.**

Delivered to the Governor for approval at 10:15 a.m., April 13, 2011: **HB 2.**

Signed by the Chief Clerk of the House at 9:55 a.m., April 13, 2011: **HB 2.**

Signed by the President at 10:10 a.m., April 13, 2011: **HB 2.**

Signed by the Speaker at 10:05 a.m., April 13, 2011: **HB 2.**

Correctly enrolled: **HB 2, HB 306, HB 358, HB 363, HB 377, HB 444, HB 458, HB 477, HB 492, HB 494, HB 560, HB 561, HB 562, HB 577, HB 585, HB 607, HB 609, HB 616, HB 618, HB 641, HB 642.**

Correctly engrossed: **HR 2, SB 303, SJR 18, SJR 20.**

Correctly printed: **SB 94, SJR 23.**

Examined by the sponsor and found to be correct: **HB 2, HB 306, HB 358, HB 363, HB 377, HB 444, HB 458, HB 477, HB 492, HB 494, HB 560, HB 561, HB 562, HB 577, HB 585, HB 607, HB 609, HB 616, HB 641, HB 642.**

Signed by the Chief Clerk of the House at 6:00 p.m., April 13, 2011: **HB 363, HB 492, HB 494, HB 560, HB 561, HB 562, HB 577, HB 607, HB 641.**

REPORTS OF STANDING COMMITTEES

FISH, WILDLIFE AND PARKS (Washburn, Chairman):

4/12/2011

HJR 37, do pass. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 153**
Report No. 1, April 12, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 153** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

And, recommend that **Senate Bill 153** (reference copy -- salmon) be amended as follows:

1. Page 1, line 26.

Following: "~~or (3)~~"

Insert: "or (3)"

For the Senate:

Hutton, Chair

Jent

Shockley

For the House:

Kerns, Vice Chair

Menahan

O'Hara

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 198**
Report No. 1, April 12, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 198** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 198** (reference copy -- salmon) be accepted by the Senate.

For the Senate:

Ripley, Chair

Balyeat

Facey

For the House:

Hendrick, Vice Chair

B. Bennett

Kary

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 221**
Report No. 1, April 12, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 221** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 221** (reference copy -- salmon) be amended as follows:

1. Page 10, line 6.

Following: "basis;"

Insert: "(ii) a medicaid primary care case management service within the meaning of 42 CFR 438;"

Renumber: subsequent subsections

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

For the Senate:
Gillan, Chair
Murphy

For the House:
Berry, Vice Chair
Hunter
Salomon

FREE CONFERENCE COMMITTEE
on **House Bill 43**
Report No. 1, April 12, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 43** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 43** (reference copy -- salmon) be amended as follows:

1. Page 2, line 5.

Following: "duties;"

Insert: "or"

2. Page 2, line 6.

Strike: line 6

Renumber: subsequent subsection

3. Page 5, line 6.

Following: "marijuana"

Strike: "is"

Insert: "and who is otherwise"

Following: "chapter"

Strike: "1"

Insert: "is"

4. Page 5, line 7.

Strike: "[section 5] through "(5)(C) OF THIS SECTION"

Insert: "subsections (5)(b) through (5)(d)"

5. Page 5, line 11 through line 13.

Strike: subsection (c) in its entirety

Insert: "(c) Nothing in this chapter may be construed to require an insurer to reimburse any person for costs associated with the medical use of marijuana, as defined in 50-46-102.

(d) In an accepted liability claim, the benefits payable under this chapter may not be increased or enhanced due to a worker's medical use of marijuana, as defined in 50-46-102. An insurer remains liable for those benefits that the worker would qualify for absent the worker's medical use of marijuana."

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

6. Page 6, line 25 through page 7, line 4.

Strike: section 5 in its entirety

Renumber: subsequent sections

7. Page 9, line 12 through line 13.

Strike: section 8 in its entirety

Renumber: subsequent sections

8. Page 9.

Following: line 14

Insert: "COORDINATION SECTION. Section 7. Coordination instructions. (1) If both House Bill No. 161 and [this act] are passed and approved, then [sections 2 through 6 of this act] are void.

(2) If House Bill No. 175 is approved by the electorate in 2012, then [sections 2 through 6 of this act] are void on [the effective date of House Bill No. 175]."

Renumber: subsequent section

For the House:
MacLaren, Chair
Fitzpatrick
Hunter

For the Senate:
Moore, Vice Chair
Facey
Tutvedt

FREE CONFERENCE COMMITTEE
on **Senate Bill 156**
Report No. 1, April 13, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 156** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 156** (reference copy -- salmon) be amended as follows:

1. Page 1, line 23.

Following: "up to 15% of"

Insert: "up to 15% of"

Following: "for"

Strike: ":",

2. Page 1, line 25.

Following: "benefits"

Insert: "costs related to the administration of the tribal family assistance plan. The remainder of the state share must be used for cash benefits."

3. Page 1, line 26 through line 28.

Strike: "(I) MONTHLY" on line 26 through "PROGRAM." on line 28

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

For the Senate:
Murphy, Chair
Windy Boy

For the House:
Bangerter, Vice Chair
Pease-Lopez

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 4/12/2011

HB 363, introduced by Cuffe
HB 492, introduced by Howard
HB 494, introduced by Edmunds
HB 560, introduced by Arntzen
HB 561, introduced by Arntzen
HB 562, introduced by Arntzen
HB 577, introduced by Stahl
HB 607, introduced by Welborn
HB 641, introduced by Hands

Free Conference Committee Report No.1 **NOT** adopted: 4/12/2011

HB 2, introduced by McNutt

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

4/12/2011

HB 186, introduced by Hunter
HB 316, introduced by Cook
HB 372, introduced by Washburn

Senate joint resolutions passed and transmitted to the House for concurrence: 4/12/2011

SJR 26, introduced by Lewis
SJR 27, introduced by Caferro

Governor's amendments to **Senate bills** concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/8/2011

SB 294, introduced by Buttrey
SB 351, introduced by Ripley

Free Conference Committee Report No.1 adopted: 4/13/2011

HB 2, introduced by McNutt

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

MESSAGES FROM THE GOVERNOR

April 12, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 334** sponsored by Representative Reichner et al., and **House Bill 508** sponsored by Representative McNally et al., on April 12, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Skees in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 439 - Representative McGillvray moved consideration of **HB 439** be placed on the second agenda. Motion carried.

Representative Hands moved that the House Democrats Caucus. Motion carried.

House Recessed.
House Reconvened.

SB 143 - Representative Read moved **SB 143** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Small, C.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 72

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 225 - Representative Knudsen moved **SB 225** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.
Total 89

Nays: Barrett, B. Bennett, Berry, Boland, Hill, Klock, MacDonald, Mehlhoff, Price, Schmidt.
Total 10

Excused: None.
Total 0

Absent or not voting: Wilmer.
Total 1

SB 315 - Representative McGillvray moved consideration of **SB 315** be passed for the day.
Motion carried.

SB 303 - Representative Stahl moved **SB 303** be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cuffe, Edmunds, Esp, Evans, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Welborn, Mr. Speaker.

Total 51

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kary, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Washburn, Williams, Wilmer, Yates.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 132 - Representative Hill moved **SB 132** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Bangerter, Fitzpatrick, Hunter, Knox.

Total 4

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HR 2 - Representative Milburn moved **HR 2** be adopted.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

HR 2 - Representative Milburn moved **HR 2**, second reading copy, be amended as follows:

1. Title, page 1, line 4.

Following: "URGING THE"

Insert: "PRESIDENT OF THE UNITED STATES, THE"

2. Title, page 1, line 5.

Following: "DEFENSE"

Insert: ", AND CONGRESS"

3. Page 3, line 18.

Following: "House ask"

Insert: "the President of the United States, the Secretary of Defense, and"

4. Page 5, line 9.

Following: "resolution to"

Insert: "President of the United States Barack Obama,"

5. Page 5, line 10.

Strike: "Secretary of the Air Force Michael Donley,"

Insert: "Senate Majority Leader Harry Reid, Speaker of the House of Representatives John Boehner,"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

HR 2 - Representative Milburn moved **HR 2**, as amended, be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 98

Nays: Burnett, Esp.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 4 - Senate Amendments - Representative Mehlhoff moved Senate amendments to **HB 4** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Yates, Mr. Speaker.
Total 70

Nays: B. Beck, Blasdel, Blyton, Burnett, Cuffe, Edmunds, Esp, Flynn, Hale, Harris, Hendrick, Ingraham, Kennedy, Kerns, Knox, Knudsen, McGillvray, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Rosendale, Skattum, C. Smith, Wagner, Welborn.
Total 29

Excused: None.
Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Absent or not voting: Wilmer.

Total 1

HB 587 - Senate Amendments - Representative McNutt moved Senate amendments to **HB 587** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: McGillvray, Skattum, C. Smith.

Total 3

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

HB 5 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 5** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 65

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Flynn, Hale, Harris, Hendrick, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, McNiven, Miller, More, Osmundson, Randall, Read, Regier, Salomon, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton.

Total 35

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 7 - Senate Amendments - Representative Belcourt moved Senate amendments to **HB 7** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 67

Nays: B. Beck, G. Bennett, Blyton, Brodehl, Burnett, Esp, Flynn, Hale, Hendrick, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, More, Osmundson, Randall, Read, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 316 - Senate Amendments - Representative Cook moved Senate amendments to **HB 316** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Noonan, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson,

Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Nays: Boland, MacDonald, McNally, McNiven, Miller, More, O'Hara.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 34 - Representative Hendrick moved **HJR 34** be adopted. Motion **failed** as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Clark, Connell, Cuffe, Ehli, Evans, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 50

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Burnett, Cook, Court, Driscoll, Edmunds, Esp, Fitzpatrick, Flynn, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 35 - Representative Wilmer moved **HJR 35** be adopted. Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Blyton, Boland, Clark, Court, Cuffe, Driscoll, Evans, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Price, Read, Reinhart, Sands, Schmidt, Skees, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 45

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Connell, Cook, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Howard, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, McGillvray, McNiven, McNutt, More, O'Neil, Osmundson, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Washburn, Welborn, Yates, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Skees moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNutt, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Sands, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 71

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

House Recessed.

House Reconvened.

REPORTS OF STANDING COMMITTEES

TAXATION (Blasdel, Chairman):

4/13/2011

SB 94, be concurred in. Report adopted.

SJR 23, be concurred in. Report adopted.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

MESSAGES FROM THE SENATE

Governor's amendments to House bill not concurred in and returned to the House: 4/11/2011

HB 219, introduced by McGillvray

House bill not concurred in and returned to the House: 4/11/2011

HB 387, introduced by Flynn

House amendments to Senate bills NOT concurred in: 4/13/2011

SB 329, introduced by Zinke

SB 348, introduced by De. Barrett

SB 423, introduced by Essmann

SB 329 - The Senate failed to concur in House amendments to **SB 329**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 329**:

4/13/2011

Senator Zinke, Chair

Senator De. Barrett

Senator Essmann

SB 348 - The Senate failed to concur in House amendments to **SB 348**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 348**:

4/13/2011

Senator De. Barrett, Chair

Senator Hamlett

Senator Vincent

SB 423 - The Senate failed to concur in House amendments to **SB 423**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 423**:

4/13/2011

Senator Essmann, Chair

Senator Larsen

Senator Vincent

House bills concurred in and returned to the House: 4/13/2011

HB 306, introduced by Berry

HB 358, introduced by MacLaren

HB 377, introduced by Warburton

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

HB 444, introduced by Burnett
HB 458, introduced by Welborn
HB 477, introduced by Hollandsworth
HB 585, introduced by G. Bennett
HB 609, introduced by MacLaren
HB 616, introduced by Randall
HB 618, introduced by Pease-Lopez
HB 642, introduced by Blasdel

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

4/13/2011

HB 296, introduced by Sesso
HB 370, introduced by Squires
HB 375, introduced by Cook
HB 495, introduced by Cook
HB 518, introduced by Hunter
HB 604, introduced by Cook
HB 612, introduced by Roberts
HB 622, introduced by Ankney
HB 638, introduced by Howard

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJR 9 failed as follows:

Yeas: B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Edmunds, Ehli, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McNiven, More, O'Hara, O'Neil, Osmundson, Randall, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Mr. Speaker.

Total 46

Nays: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Clark, Cook, Court, Cuffe, Driscoll, Esp, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer, Yates.

Total 53

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: Howard.

Total 1

HJR 24 adopted as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Connell, Cook, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 55

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Brodehl, Court, Cuffe, Driscoll, Esp, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 25 adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Berry, Blasdel, Boland, Connell, Court, Cuffe, Driscoll, Edmunds, Evans, Furey, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Ingraham, Lavin, Loney, MacDonald, MacLaren, Malek, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Randall, Read, Reichner, Reinhart, Salomon, Sands, Schmidt, Skees, F. Smith, Squires, Swanson, Vance, Wagner, Warburton, Washburn, Williams, Wilmer.

Total 56

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blyton, Brodehl, Burnett, Clark, Cook, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hollandsworth, Howard, Hunter, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, McChesney, McGillvray, McNiven, McNutt, Osmundson, Peterson, Regier, Roberts, Rosendale, Sesso, Skattum, Small, C. Smith, Stahl, Taylor, Welborn, Yates, Mr. Speaker.

Total 44

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 31 adopted as follows:

Yeas: Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Mr. Speaker.

Total 55

Nays: Ankney, Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Court, Driscoll, Edmunds, Esp, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollandsworth, Hunter, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer, Yates.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 32 adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Burnett, Connell, Court, Cuffe, Driscoll, Ehli, Furey, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Rosendale, Sands, Schmidt, F. Smith, Squires, Stahl, Swanson, Washburn, Williams, Wilmer, Mr. Speaker.

Total 56

Nays: Ankney, B. Beck, G. Bennett, Blasdel, Brodehl, Clark, Cook, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Hoven, Kennedy, Kerns, Knox, Knudsen, Malek, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Randall, Read, Regier, Roberts, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Welborn, Yates.

Total 44

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 38 adopted as follows:

Yeas: Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Clark, Cuffe, Edmunds, Ehli, Evans, Greef, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Mr. Speaker.

Total 51

Nays: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Burnett, Connell, Cook, Court, Driscoll, Esp, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 39 adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, Belcourt, Berry, Blasdel, Blyton, Burnett, Clark, Connell, Court, Driscoll, Ehli, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNiven, Mehlhoff, Menahan, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Randall, Read, Reinhart, Rosendale, Sands, Skees, Squires, Swanson, Taylor, Vance, Washburn, Williams, Wilmer, Mr. Speaker.

Total 58

Nays: Ankney, B. Beck, B. Bennett, G. Bennett, Boland, Brodehl, Cook, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Hale, Harris, Howard, Kennedy, Kerns, Knox, McClafferty, McNally, McNutt, Miller, Noonan, Peterson, Phillips, Price, Regier, Reichner, Roberts, Salomon, Schmidt, Sesso, Skattum, Small, C. Smith, Stahl, Wagner, Warburton, Welborn, Yates.

Total 41

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: F. Smith.

Total 1

SB 253 concurred in as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Harris, Hendrick, Hollandsworth, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Mr. Speaker.
Total 51

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Williams, Wilmer, Yates.
Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 265 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Mr. Speaker.
Total 61

Nays: B. Beck, Blasdel, Brodehl, Burnett, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Harris, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates.
Total 39

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 295 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 80

Nays: B. Bennett, Boland, Court, Furey, Hands, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Sands, Schmidt, Sesso, F. Smith, Swanson.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 372 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 409 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Squires, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 76

Nays: Belcourt, Boland, Court, Driscoll, Esp, Hill, Hollenbaugh, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Peterson, Phillips, Price, Sands, Schmidt, Sesso, F. Smith, Stahl, Swanson, Yates.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 411 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 75

Nays: G. Bennett, Berry, Blasdel, Blyton, Brodehl, Edmunds, Flynn, Hale, Hendrick, Kary, Kennedy, Kerns, Knox, More, O'Neil, Randall, Read, Regier, Salomon, Skattum, Skees, C. Smith, Vance, Wagner, Warburton.

Total 25

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 412 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 80

Nays: B. Beck, G. Bennett, Blyton, Burnett, Edmunds, Esp, Flynn, Hale, Howard, Kennedy, Kerns, Knox, Loney, McGillvray, Regier, Skattum, Skees, C. Smith, Wagner, Warburton.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 418 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Esp, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 35

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 420 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 78

Nays: B. Beck, G. Bennett, Blasdel, Burnett, Edmunds, Esp, Fitzpatrick, Hale, Kennedy, Kerns, Knudsen, McGillvray, Miller, Peterson, Randall, Read, Regier, Reichner, Skattum, C. Smith, Wagner, Warburton.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 424 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Clark, Connell, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty,

McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Williams, Wilmer.

Total 52

Nays: Bangerter, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, McGillvray, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Salomon, Skattum, Skees, C. Smith, Stahl, Vance,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 426 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 69

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 429 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 70

Nays: Barrett, B. Bennett, Blyton, Boland, Court, Furey, Hands, Hill, Hiner, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Representative Cuffe moved to reconsider action taken previously on **SB 414**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hollenbaugh, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 62

Nays: Barrett, Belcourt, B. Bennett, Boland, Connell, Court, Driscoll, Ehli, Furey, Gibson, Greef, Hands, Hill, Hiner, Hoven, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 38

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative MacLaren moved to reconsider action taken previously on **HJ 33**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, Peterson, Randall, Read, Regier,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Reichner, Roberts, Rosendale, Skees, Small, C. Smith, Stahl, Vance, Warburton, Washburn, Mr. Speaker.

Total 52

Nays: Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kary, Kennedy, Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Swanson, Taylor, Wagner, Welborn, Williams, Wilmer, Yates.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Fitzpatrick moved to override the Governor's Veto on **HB 531**.

Motion **failed** as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Representative McGillvray moved to appoint a **Free** Conference Committee on **HB 621** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
4/13/2011

Representative Ankney
Representative Cuffe
Representative Hollenbaugh

Representative McGillvray moved to appoint a **Free** Conference Committee on **HB 316** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
4/13/2011

Representative McNutt
Representative Esp
Representative Sesso

Representative McGillvray moved to appoint a **Free** Conference Committee on **SB 423** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
4/13/2011

Representative C. Smith
Representative Berry
Representative Sands

Representative McGillvray moved to appoint a **Free** Conference Committee on **SB 348** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
4/13/2011

Representative K. Peterson
Representative Connell
Representative Phillips

Representative McGillvray moved to appoint a **Free** Conference Committee on **SB 329** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
4/13/2011

Representative McGillvray
Representative Esp
Representative Mehlhoff

Representative McGillvray moved to appoint a **Free** Conference Committee on **HB 611** and request the Senate to appoint a like committee.
4/13/2011

Representative Esp rose on a point of personal privilege to clarify that **HB 611** must first be heard and the amendments rejected before a free conference committee could be appointed.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Representative MacDonald rose on a point of personal privilege to clarify that **HB 621** must first be heard and the amendments rejected before a free conference committee could be appointed.

Representative Furey moved to reconsider action taken previously on **HJ 29**.

Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Blyton, Boland, Clark, Court, Driscoll, Evans, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Read, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Williams, Wilmer.

Total 46

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNutt, Miller, More, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.

Total 52

Excused: None.

Total 0

Absent or not voting: Kennedy, Skees.

Total 2

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Skees in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 439 - Representative McGillvray moved consideration of **HB 439** be placed at the bottom of the second reading board for the purpose of amendment. Representative Hollenbaugh objected. Motion carried as follows:

Yeas: Arntzen, Bangerter, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Hendrick, Hollandsworth, Howard, Ingraham,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Kary, Kerns, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 51

Nays: Ankney, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Harris, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kennedy, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 46

Excused: None.

Total 0

Absent or not voting: Knox, Miller, Skees.

Total 3

HB 366 - Senate Amendments - Representative Rosendale moved Senate amendments to **HB 366** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Mr. Speaker.

Total 75

Nays: B. Bennett, Boland, Court, Furey, Hands, Hunter, MacDonald, MacLaren, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Wilmer, Yates.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

HB 611 - Senate Amendments - Representative Cook moved Senate amendments to **HB 611** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 69

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Swanson, Williams, Wilmer, Yates.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 621 - Senate Amendments - Representative Ankney moved Senate amendments to **HB 621** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 90

Nays: B. Beck, Blasdel, Lavin, Miller, O'Neil, Regier, Reichner, Wagner.
Total 8

Excused: None.
Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Absent or not voting: Ehli, Loney.

Total 2

HJR 36 - Representative Warburton moved **HJR 36** be adopted. Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Blyton, Boland, Clark, Court, Cuffe, Driscoll, Ehli, Evans, Furey, Greef, Hands, Hansen, Harris, Hoven, Hunter, Loney, MacDonald, MacLaren, Malek, McGillvray, McNally, More, Noonan, O'Neil, Pease-Lopez, Peterson, Price, Read, Reinhart, Roberts, Sands, Skees, C. Smith, F. Smith, Stahl, Wagner, Warburton, Williams, Wilmer.

Total 42

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Connell, Cook, Edmunds, Esp, Fitzpatrick, Flynn, Gibson, Hale, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, McChesney, McClafferty, McNiven, McNutt, Mehlhoff, Menahan, Miller, O'Hara, Osmundson, Phillips, Randall, Regier, Reichner, Rosendale, Salomon, Schmidt, Sesso, Skattum, Small, Squires, Swanson, Taylor, Vance, Washburn, Welborn, Yates, Mr. Speaker.

Total 57

Excused: None.

Total 0

Absent or not voting: Ingraham.

Total 1

HB 619 - Senate Amendments - Representative Ankney moved Senate amendments to **HB 619** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Kary, Kerns, Knox, Skattum, Wagner.

Total 5

Excused: None.

Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Absent or not voting: B. Beck.

Total 1

SB 214 - Representative Di. Barrett moved **SB 214** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Cuffe, Driscoll, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 47

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, MacLaren, McGillvray, McNutt, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 52

Excused: None.

Total 0

Absent or not voting: Hollandsworth.

Total 1

SB 354 - Representative Menahan moved **SB 354** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: G. Bennett, Fitzpatrick, Greef, Hale, Hansen, More, Randall, Vance.

Total 8

Excused: None.

Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Absent or not voting: Miller.

Total 1

SJR 15 - Representative Read moved **SJR 15** be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McNally, McNiven, McNutt, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Sands, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.

Total 79

Nays: Ankney, Court, Edmunds, Hands, Hendrick, Howard, Kerns, Knox, McClafferty, McGillvray, Mehlhoff, Miller, O'Neil, Peterson, Phillips, Reinhart, Schmidt, Sesso, Welborn, Yates.

Total 20

Excused: None.

Total 0

Absent or not voting: Salomon.

Total 1

SJR 17 - Representative Randall moved **SJR 17** be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.

Total 84

Nays: Ankney, Boland, Court, Esp, Hands, Howard, Kerns, Knox, McClafferty, Mehlhoff, Phillips, Schmidt, Sesso, Small, Welborn, Yates.

Total 16

Excused: None.

Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Absent or not voting: None.

Total 0

SJR 18 - Representative Fitzpatrick moved **SJR 18** be concurred in. Motion carried as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Hands, Hansen, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Skees, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer, Mr. Speaker.

Total 55

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Edmunds, Esp, Flynn, Gibson, Greef, Hale, Harris, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Rosendale, Sesso, Skattum, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 20 - Representative More moved **SJR 20** be concurred in.

SJR 20 - Representative Hunter moved **SJR 20**, second reading copy, be amended as follows:

1. Page 2, line 14.

Strike: "and"

2. Page 2, line 17.

Following: "effect"

Insert: "; and

(5) review financing options for the expansion of the Medicaid program that is expected to occur under changes in federal law"

Amendment adopted as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Wagner, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 69

Nays: Ankney, Arntzen, B. Beck, Blasdel, Burnett, Edmunds, Esp, Evans, Hale, Harris, Hendrick, Hollandsworth, Howard, Kerns, Knox, Knudsen, Lavin, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Skattum, Skees, Small, C. Smith, Taylor, Vance, Warburton, Washburn.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 20 - Representative More moved **SJR 20**, as amended, be concurred in. Motion carried as follows:

Yeas: Bangerter, Barrett, B. Beck, Belcourt, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.

Total 83

Nays: Ankney, Arntzen, B. Bennett, G. Bennett, Burnett, Esp, Hollandsworth, Howard, Kerns, Knox, Miller, Noonan, O'Neil, Osmundson, Sesso, Welborn, Yates.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 21 - Representative Loney moved **SJR 21** be concurred in. Motion carried as follows:

Yeas: Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blyton, Boland, Clark, Cook, Court, Cuffe, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hiner, Hollandsworth, Hollenbaugh, Hoven, Ingraham, Lavin, Loney, MacDonald, MacLaren, Malek,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

McChesney, McNiven, Mehlhoff, Miller, More, O'Hara, O'Neil, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Skees, Squires, Vance, Wagner, Warburton, Williams, Wilmer, Mr. Speaker.

Total 52

Nays: Ankney, Arntzen, B. Bennett, Blasdel, Brodehl, Burnett, Connell, Driscoll, Edmunds, Ehli, Esp, Hale, Hands, Hendrick, Hill, Howard, Hunter, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, McClafferty, McGillvray, McNally, McNutt, Menahan, Noonan, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Washburn, Welborn, Yates.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 439 - Representative Hollenbaugh moved **HB 439** do pass.

Representative McGillvray rose on a point order to clarify Representative Ankney's previous statement that it does in fact, take two of each of the three members from the House and the Senate on a conference committee to concur in amendments.

HB 439 - Representative Hollenbaugh moved **HB 439** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Cuffe, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Yates.

Total 53

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, McNutt, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Mr. Speaker.

Total 47

Excused: None.

Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Skees moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Welborn, Williams, Wilmer, Mr. Speaker.

Total 87

Nays: Barrett, B. Beck, Hale, Kary, McNiven, Miller, Phillips, Randall, Regier, F. Smith, Washburn.

Total 11

Excused: None.

Total 0

Absent or not voting: Evans, Yates.

Total 2

House Recessed.

House Reconvened.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Skees in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 604 - Representative McGillvray moved consideration of **HB 604** be placed at the top of the second reading board. Motion carried.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

HB 375 - Representative McGillvray moved consideration of **HB 375** be placed below HB 604 on the second reading board. Motion carried.

HB 612 - Representative McGillvray moved consideration of **HB 612** be placed below HB 375 on the second reading board. Motion carried.

HB 604 - Senate Amendments - Representative Cook moved Senate amendments to **HB 604** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Sands, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 69

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 30

Excused: None.
Total 0

Absent or not voting: Roberts.
Total 1

HB 375 - Senate Amendments - Representative Cook moved Senate amendments to **HB 375** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Lavin, Loney, McGillvray, McNiven, McNutt, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Mr. Speaker.
Total 60

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Knox, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Taylor, Welborn, Williams, Wilmer, Yates.
Total 40

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 612 - Senate Amendments - Representative Roberts moved Senate amendments to **HB 612** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Taylor, Williams, Wilmer.
Total 33

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 6 - Senate Amendments - Representative McChesney moved Senate amendments to **HB 6** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 74

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Nays: Arntzen, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Evans, Greef, Hale, Harris, Hendrick, Kary, Kennedy, Kerns, Knox, Lavin, Miller, More, O'Neil, Osmundson, Randall, Regier, Skattum, Skees, C. Smith, Wagner.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 133 - Senate Amendments - Representative Salomon moved Senate amendments to **HB 133** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Williams, Mr. Speaker.

Total 78

Nays: Brodehl, Burnett, Edmunds, Flynn, Hale, Harris, Hendrick, Ingraham, Kennedy, Kerns, Knox, Knudsen, Miller, More, Skattum, Skees, Small, C. Smith, Taylor, Welborn, Yates.

Total 21

Excused: None.

Total 0

Absent or not voting: Wilmer.

Total 1

HB 122 - Senate Amendments - Representative Malek moved Senate amendments to **HB 122** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Taylor,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 89

Nays: B. Beck, Brodehl, Greef, Hale, Harris, Kary, Knudsen, Loney, C. Smith, Stahl.

Total 10

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Skees moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 79

Nays: B. Bennett, Boland, Furey, Hands, Hill, MacDonald, McClafferty, Mehlhoff, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Warburton.

Total 18

Excused: Pease-Lopez.

Total 1

Absent or not voting: Evans, Small.

Total 2

MOTIONS

Representative McGillvray moved to appoint a **Free** Conference Committee on **HB 611** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/13/2011

Representative McGillvray, Vice Chair

Representative Esp

Representative Mehlhoff

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Representative McGillvray moved to appoint a **Free** Conference Committee on **HB 621** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
4/13/2011

Representative Ankney
Representative Cuffe
Representative Hollenbaugh

Representative McGillvray moved to appoint a **Free** Conference Committee on **HB 604** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
4/13/2011

Representative McNutt
Representative Esp
Representative McChesney

Representative McGillvray moved to appoint a **Free** Conference Committee on **HB 375** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
4/13/2011

Representative McNutt
Representative Cook
Representative Sesso

Representative McGillvray moved to appoint a Conference Committee on **HB 122** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
4/13/2011

Representative Ingraham
Representative Malek
Representative Skees

Representative McGillvray moved to appoint a Conference Committee on **HB 612** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
4/13/2011

Representative McNutt
Representative Esp
Representative Sesso

Representative Fitzpatrick moved to override the Governor's Veto on **HB 531**.

Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Washburn, Welborn, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 33

Excused: Pease-Lopez.

Total 1

Absent or not voting: Evans.

Total 1

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Skees in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 294 - Governor's Amendments - Representative Reichner moved Governor's amendments to **SB 294** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price,

Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 71

Nays: G. Bennett, Blasdel, Burnett, Edmunds, Esp, Evans, Flynn, Hansen, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner.

Total 29

Excused: None.

Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Absent or not voting: None.

Total 0

SB 351 - Governor's Amendments - Representative Rosendale moved Governor's amendments to **SB 351** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 90

Nays: G. Bennett, Edmunds, Hale, Kerns, Knox, Miller, O'Neil, Read, Skattum, C. Smith.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 262 - Senate Amendments - Representative Sands moved Senate amendments to **HB 262** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 68

Nays: Blasdel, Brodehl, Burnett, Edmunds, Flynn, Hale, Hansen, Harris, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Read, Regier, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn.

Total 31

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: Klock.

Total 1

SB 198 - Conference Committee Report No. 1 - Representative Kennedy moved the Conference Committee report to **SB 198** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 78

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hoven, MacDonald, Malek, McNally, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Williams, Wilmer.

Total 21

Excused: None.

Total 0

Absent or not voting: Klock.

Total 1

HB 29 - Conference Committee Report No. 1 - Representative McNiven moved the Conference Committee report to **HB 29** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 75

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, MacDonald, Malek, McClafferty, McNally, Mehlhoff, More, Noonan, Pease-Lopez, Phillips, Reinhart, Sands,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Schmidt, Sesso, Swanson, Williams, Wilmer.

Total 24

Excused: None.

Total 0

Absent or not voting: Klock.

Total 1

HB 43 - Free Conference Committee Report No. 1 - Representative MacLaren moved the Free Conference Committee report to **HB 43** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Blasdel.

Total 1

HB 47 - Conference Committee Report No. 1 - Representative K. Peterson moved the Conference Committee report to **HB 47** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Burnett, Fitzpatrick, Gibson, Miller, Roberts.

Total 5

Excused: None.

Total 0

Absent or not voting: Read.

Total 1

HB 258 - Conference Committee Report No. 1 - Representative Edmunds moved the Conference Committee report to **HB 258** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Hands, Mehlhoff, Sesso.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 297 - Conference Committee Report No. 1 - Representative Berry moved the Conference Committee report to **HB 297** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Edmunds, Esp, Hale, Kary, Kerns, Knox, More, Skattum, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: F. Smith, Squires.

Total 2

HB 525 - Conference Committee Report No. 1 - Representative McNiven moved the Conference Committee report to **HB 525** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Court, McGillvray, Reinhart.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 132 - Conference Committee Report No. 1 - Representative Hoven moved the Conference Committee report to **HB 132** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: Hale, Miller, Vance.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 495 - Senate Amendments - Representative Cook moved Senate amendments to **HB 495** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 89

Nays: B. Beck, Belcourt, B. Bennett, Hiner, Kennedy, Knudsen, Regier, Reinhart, Sands, Skattum, C. Smith.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 613 - Senate Amendments - Representative Roberts moved Senate amendments to **HB 613** be concurred in. Motion carried as follows:

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Gibson, Greef, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 61

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Edmunds, Evans, Flynn, Furey, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, F. Smith, Swanson, Williams, Wilmer.
Total 39

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 296 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 296** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Furey, Gibson, Greef, Hale, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 60

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Edmunds, Esp, Fitzpatrick, Flynn, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, Miller, O'Neil, Osmundson, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton.
Total 40

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

HB 351 - Senate Amendments - Representative Cook moved Senate amendments to **HB 351** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 86

Nays: Belcourt, G. Bennett, Edmunds, Esp, Flynn, Hale, Hendrick, Kennedy, Kerns, Knox, Osmundson, Randall, Skattum, Vance.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 9 - Senate Amendments - Representative Hollenbaugh moved Senate amendments to **HB 9** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 56

Nays: Arntzen, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Evans, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Welborn.
Total 44

Excused: None.
Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Absent or not voting: None.

Total 0

HB 10 - Senate Amendments - Representative Hollenbaugh moved Senate amendments to **HB 10** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 68

Nays: Arntzen, B. Beck, G. Bennett, Blyton, Evans, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, More, Osmundson, Peterson, Randall, Read, Regier, Roberts, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Skees moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 94

Nays: B. Beck, Squires, Warburton, Wilmer.

Total 4

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: Pease-Lopez.

Total 1

Absent or not voting: Evans.

Total 1

MESSAGES FROM THE GOVERNOR

April 13, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 542, **"AN ACT REVISING PROVISIONS GOVERNING CRITERIA FOR LOCAL GOVERNMENT REVIEW OF PROPOSED SUBDIVISIONS AND INFORMATION PROVIDED AS PART OF A REVIEW; REQUIRING INFORMATION FROM A GOVERNMENTAL ENTITY TO BE SUPPORTED BY SCIENTIFIC INFORMATION; PROHIBITING CONSIDERATION OF INFORMATION PROVIDED BY A GOVERNMENTAL ENTITY THAT IS OR HAS BEEN INVOLVED IN AN EFFORT TO ACQUIRE OR ASSIST OTHERS IN ACQUIRING AN INTEREST IN THE REAL PROPERTY UNDER REVIEW; PROHIBITING A GOVERNING BODY FROM CONSIDERING THE IMPACT OF A SUBDIVISION UNDER REVIEW IN CONJUNCTION WITH THE IMPACTS OF POTENTIAL FUTURE SUBDIVISIONS; PROVIDING THAT INFORMATION PERTAINING TO MITIGATION BY THE SUBDIVIDER MAY NOT BE CONSIDERED NEW INFORMATION; AMENDING SECTIONS 76-3-608 AND 76-3-615, MCA; AND PROVIDING AN APPLICABILITY DATE"** for the following reasons.

I issue this veto because the amendments to Montana's subdivision review process contained in HB 542 are unnecessary, contrary to the public interest, and could jeopardize one of Montana's most important industries – farming and ranching. The amendments would unnecessarily tie the hands of local governments by limiting sources of information those governments can rely on in their decision-making absent any reasonable justification.

First, in the name of clarifying the original intent of subdivision review criteria, HB 542 would replace the term "agriculture" as a criterion for considering a proposed subdivision's impacts,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

with the term “surrounding agricultural operations.” This would prevent local governments from considering a new subdivision’s overall impacts to agriculture, including the permanent loss of agricultural land. This subtle but significant change would erode the original intent of Montana’s subdivision laws, which in the words of the primary bill sponsor in 1975 when the laws were enacted, was to address “the tragic intrusion on the agricultural land base of Montana.” Simply stated, I oppose this change to Montana’s subdivision review laws that eliminates the consideration of the impacts of a subdivision to Montana agriculture.

Totally unworkable in my opinion is the requirement that information presented to a local governing body from federal, state, or local government experts concerning wildlife, wildlife habitats, or the natural environment be limited to “the best available scientific information.” While this standard for providing opinions may sound reasonable, I doubt any two parties can give the same definition of what it actually means. Who will determine whether information provided is the “best available”? What if the information is “reasonably reliable”? What if dueling experts each proclaim their information is the “best available”? Under each example, the local governing body would be put in the position of having to make an evidentiary determination as to whether information is the “best available” and exclude all other information. I believe this high evidentiary standard for the submission of comments is unnecessary, unreasonable, and counterproductive.

Additionally, I object to the provision in HB 542 prohibiting a local governing body, in its consideration of a pending subdivision application, from considering the impact of a future subdivision. I believe that local officials are best suited to decide whether impacts to future developments in their areas should be considered. I also oppose HB 542’s absolute prohibition on the categorization of all mitigation information as new information. Clearly, notwithstanding this arbitrary classification in the bill, a mitigation proposal could be new information as a matter of fact, thereby triggering the requirement for a public hearing and the opportunity for neighbors to comment on the developer’s new proposal. Like other provisions of the bill, I believe this categorization is unnecessary, unreasonable, and contrary to Montana’s strong public participation laws.

Finally, while the requirement that a governmental entity offering comments disclose any self-interest it may have based on its own efforts to acquire or assist another in acquiring the property may be of value, this provision in HB 542, alone, is not sufficient to win my support for the bill in its entirety. In any event, local governments should have the tools necessary under existing law to address this issue to the extent it has been a problem.

I ask for your support in sustaining my veto of HB 542 for the reasons stated above.

Sincerely,

BRIAN SCHWEITZER
Governor

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

April 13, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 161, **"AN ACT REPEALING THE MEDICAL MARIJUANA ACT; AMENDING SECTIONS 37-1-136, 45-9-101, 45-9-102, 45-9-103, 45-9-110, 45-9-127, 45-10-103, AND 45-10-107, MCA; REPEALING SECTIONS 50-46-101, 50-46-102, 50-46-103, 50-46-201, 50-46-202, 50-46-205, 50-46-206, 50-46-207, AND 50-46-210, MCA; AND PROVIDING AN EFFECTIVE DATE"** for the following reasons.

On November 2, 2004, Montana voters passed citizens' initiative I-148, encaptioned, "The Medical Marijuana Act," allowing for the lawful use of marijuana for medical purposes under state law. The act was passed by Montanans on a vote of 276,042 to 170,579, almost 62% of those casting a ballot. I issue this veto of HB 161 because I do not believe it is right that 91 legislators overturn the will of the people of Montana, who passed this citizen initiative in 2004 by this significant margin.

Having twice been elected to statewide office, I bring to this issue an ever-abiding respect for Montana's electoral process. I know it is the people of Montana I serve, and so it is the people of Montana I listen to as I execute the laws of this state day in and day out. I understand that the vast majority of Montana citizens and even the promoters of I-148 agree that the Medical Marijuana Act, written as broadly as it was, came to be something never anticipated when the voters passed it in 2004. However, balancing that fact with the medical needs of Montana citizens, I believe the proper resolution of this unanticipated outcome is not outright repeal, but amendment to serve the original intent – to provide a medicinal option for Montanans "to alleviate the symptoms or effects of the patient's debilitating medical condition." Sec. 2(4), I-148, now codified at Mont. Code Ann. § 50-46-102(5).

For the stated reasons, I respectfully ask the members of the Legislature to sustain my veto.

Sincerely,

BRIAN SCHWEITZER
Governor

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

April 13, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 180, **"AN ACT REVISING THE CLOSE OF VOTER REGISTRATION; AND AMENDING SECTIONS 13-2-301 AND 13-2-304, MCA"** for the following reasons.

In 2005, a bipartisan Montana Legislature voted by a margin of 141-9 to allow Montana citizens to register to vote at any time through Election Day, eliminating an antiquated and onerous law that prohibited citizens from voting unless they registered 30 days in advance of an election. Since taking effect on January 1, 2006, a total of 42,905 eligible Montana voters have used this new law to register to vote and, of these voters, 18,747 have registered on Election Day.

In spite of the fact that the 2005 voting measure received near unanimous approval, HB 180 is now attempting to roll it back, by prohibiting voters from registering on Election Day. This attempt at making voting more difficult is made without any showing that it is necessary. At committee hearings in both chambers, the proponents of HB 180 testified that this legislation is necessary to root out "voter fraud," but failed to produce a single verifiable example of any voter fraud that has occurred in Montana as a result of Election Day registration.

As Montana Secretary of State Linda McCulloch stated in her opposition to this measure, HB 180 advances the notion of bureaucracy over democracy, placing a harsh penalty on those wishing to exercise the fundamental right to vote.

The Montana Legislature is unwise to trample on our citizens' freedom in this way, and my Administration will continue its consistent efforts to prevent any needless incursions on the freedom to cast a ballot.

Sincerely,

BRIAN SCHWEITZER
Governor

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

April 13, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 272, **"AN ACT PROHIBITING THE USE OF HUNTING ACCESS ENHANCEMENT FEES FOR FEE TITLE LAND ACQUISITION; AMENDING SECTIONS 87-1-270 AND 87-1-271, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"** for the following reasons.

House Bill 272 represents a surprising reaction to Fish, Wildlife, and Parks' (FWP's) use of a specific funding source to achieve the policy goal of promoting access to public lands endorsed by the 2009 Legislature. Specifically in 2009, through passage of the bonding bill, House Bill No. 674, the Legislature authorized the Department of Natural Resources and Conservation to purchase as much as possible of Plum Creek Timber Company lands offered for sale. The alternative to this purchase would have been subdivision and development of these lands, and the result would have been loss of fish and wildlife habitat, timber lands, access, and recreational opportunity for hunting, fishing, hiking, camping, and snowmobiling.

Consistent with the Legislature's 2009 policy direction for acquisition of Plum Creek lands, and in accordance with its authority under § 87-1-270, MCA and other funding sources, in 2010 FWP acquired the Marshall Block, comprising significant timberland formerly owned by Plum Creek west of Seeley Lake. Supporters of the Marshall Block purchase included the Missoula County Commission, the Seeley Lake Community Council, the Swan ATV Club and Pyramid Mountain Lumber, to name just a few.

House Bill 272 seeks to restrict the use of certain hunting access enhancement fees to prohibit fee title acquisition of land. Had HB 272 been in effect in 2010, FWP would have been prohibited from using these funds for acquiring the Marshall Block, and the purchase itself would have been jeopardized.

House Bill 272 appears to reflect both a notable and piecemeal policy shift by the Legislature in reaction to one specific land acquisition by FWP. I disagree with this policy shift and believe that FWP needs to maintain a full complement of tools for conserving access to public lands, including fee title acquisition, in order to be able to react with flexibility as access opportunities

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

present themselves in a sometimes fast-moving real estate market. House Bill 272 does not allow for that necessary flexibility.

For these reasons, I ask for your support in sustaining my veto

Sincerely,

BRIAN SCHWEITZER
Governor

April 13, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 318, **"AN ACT REQUIRING APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS BEFORE THE DEPARTMENTS OF LIVESTOCK OR FISH, WILDLIFE, AND PARKS MAY AUTHORIZE ANY TRANSPLANTATION OR RELOCATION OF WILD BUFFALO OR BISON CERTIFIED AS BRUCELLOSIS-FREE INTO A MONTANA COUNTY; AMENDING SECTIONS 81-2-120 AND 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"** for the following reasons.

I issue this veto of HB 318 because its underpinnings lie not in scientific fact, but in the perpetuation of unfounded fears related to disease management and bison management.

HB 318 transfers decision-making for bison relocation from the state to counties, which under the bill are granted ultimate authority to determine whether relocation may occur. Increased tolerance for bison in Montana and relocation of bison to other suitable habitats and tribal lands was part of the court-ordered Interagency Bison Management Plan adopted in 2000, to which two state agencies and three federal agencies were parties. Proponents of HB 318 who helped write and agreed to that plan are now seeking to undermine the heart of it through this legislation.

The bison quarantine and relocation study was written over 6 years ago. In well over a dozen industry-sanctioned and federally-approved tests, the quarantined bison now available for

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

relocation have in every instance tested negatively for brucellosis. These are quite possibly the most-tested animals in the history of animal health management. No other group of animals has been tested so rigorously over such a long period of time.

The claim that these bison risk the spread of brucellosis, which is the underpinning for HB 318, is without merit. Those who do not believe the science apparently would throw out the entire structure of the US. animal health system we have relied on for decades to control disease in livestock. I find this position a disturbing one, given the picture it presents to consumers about disease control and the safety of the entire U.S. food supply. Based on the very same testing protocol we rely on to assure disease-free animals across the country, these bison are at least as safe as any other animal in Montana, or the world, for that matter.

The transfer of authority from the state to the counties under HB 318 is also accompanied by a more subtle change in law with respect to decision-making for the management of bison, which under current law must be based upon scientific risk-based criteria that the state must follow, to a system that establishes no bases or parameters upon which counties would be required to use to approve relocation. The shifting of wildlife management decisions from considered science to political decision-making is not only contrary to sound public policy, it places significant federal fish and wildlife funding at risk.

Also without merit are arguments that relocated bison somehow present other property and safety risks. Given the existence of dozens of domestic bison herds throughout Montana, I do not believe these arguments support enactment of HB 318 into law.

Finally, HB 318 runs counter to Montana's own tried and tested laws for disease control and the transport of livestock and other animals by allowing county government to arbitrarily exercise veto authority over the transport of one particular species. Montana makes no such exception for any other species, including cattle, horses, mules, swine, llamas, alpacas, or sheep. There likewise is no exception for the transplantation of any wildlife species, including any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, or other wild animal or the egg, sperm, embryo, or offspring of the wild animal.

Proper management of commerce, disease, and wildlife statutes rightly belongs in the hands of experts at the state level, whether it involves state livestock inspectors, the state veterinarian, or state wildlife biologists. For these reasons, I ask for your support in sustaining my veto.

Sincerely,

BRIAN SCHWEITZER
Governor

April 13, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 464, **"AN ACT PROVIDING THAT PHYSICIANS WHO ARE BOARD-CERTIFIED OR BOARD-ELIGIBLE IN PEDIATRIC OR GERIATRIC SUBSPECIALTIES MAY BE LIABLE FOR DAMAGES ONLY UPON PROOF BY CLEAR AND CONVINCING EVIDENCE; AND PROVIDING AN APPLICABILITY DATE"** for the following reasons.

House Bill 464 establishes a higher standard of proof for personal injury claims by injured people against a practitioner board-eligible or board-certified in a pediatric or geriatric subspecialty than for all other medical malpractice claims. For doctors with these subspecialties, an injured person would have to prove their claim by clear and convincing evidence, rather than by a preponderance of the evidence, as I believe is required for all other medical malpractice claims, and indeed all other claims arising in tort.

Proponents of HB 464 argued for its passage on grounds that there is a shortage of these medical subspecialists in Montana and reducing their exposure to tort liability will assist in recruiting them to practice here. However, they failed to back their arguments with credible facts. As a general statement, Montana's small population, not its court system, primarily accounts for the limited number of subspecialists that practice here. History tells us that when doctors decide to locate their practice in Montana, they do so either because they have roots in Montana or based on quality of life opportunities here, such as Montana's excellent educational system or our state's unsurpassed grandeur and extraordinary recreational opportunities. Finally, the equal protection requirements of both our state and federal constitutions prohibit economic-based legislative classifications absent a rationale basis for the classifications. I have been counseled that the line-drawing contained in this bill, unsupported by factual evidence, may run afoul of the equal protection standards that would apply.

For these reasons, I ask for your support in sustaining my veto of HB 464.

Sincerely,

BRIAN SCHWEITZER
Governor

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

April 13, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 456, **"AN ACT ALLOWING FOR PARENTAL CONTROL OVER STUDENT PARTICIPATION IN COURSES OF INSTRUCTION INVOLVING HUMAN SEXUAL EDUCATION; REQUIRING A SCHOOL DISTRICT TO INFORM A PARENT OR GUARDIAN WHEN EVENTS OR COURSES ON HUMAN SEXUALITY WILL BE HELD OR TAUGHT; PROHIBITING A SCHOOL DISTRICT FROM ALLOWING ANY ABORTION SERVICES PROVIDER TO OFFER MATERIALS OR INSTRUCTIONS AT A SCHOOL; AMENDING SECTION 20-5-103, MCA; AND PROVIDING AN EFFECTIVE DATE"** for the following reasons.

I have been advised that HB 456 likely runs afoul of the Montana Constitution's requirements for local control of schools, and poses free speech, freedom of association, and equal protection problems under both the state and federal constitutions. House Bill 456 also presents numerous practical problems for schools, both, generally, in the administration of the "opt-in" requirements for educational offerings addressing human sexual education, and, specifically, in ensuring that the "opt-in" requirements are followed notwithstanding the broadly described categories of course offerings subject to those requirements.

Regarding local control, Article X, § 9(3)(a) of the Montana Constitution charges the board of public education with the "general supervision" of Montana's public school system, while Article X, § 8 places direct "supervision and control" of schools in a board of trustees elected as provided by law. Under this constitutional structure, the board of public education must adopt accreditation standards for public schools, including a basic instructional program for students, and school trustees are charged with establishing curriculum guidelines to meet the Board's standards.

The Montana Supreme Court forcefully affirmed the principles of local control in *Yanzick v. School District*, 196 Mont. 375, 389-90, 641 P.2d 431, 440 (1982), in which the court quoted from the transcripts to the 1972 Constitutional Convention Proceedings where delegates discussed their express intent not to grant in the new board of public education the power to "control" the schools, but rather to limit the power of the board of public education to one of

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

“supervision.” Where the Board of Public Education is limited in its ability to “control” public schools in Montana under the state constitution, the Legislature’s ability to do so is even more confined.

Just as the Montana Constitution places “control” of the Montana university system in the Board of Regents, thus limiting the authority of the Legislature to control the university, particularly in the area of academic instruction, see Board of Regents v. Judge, 168 Mont. 433, 543 P.2d 1323 (1975), so the Montana Constitution places general supervision of the schools in the Board of Public Education and direct “control” of Montana’s public schools in the board of trustees, a structure upon which the Legislature may not encroach, particularly in the area of course offerings. By infringing on the authority of local board of trustees to establish their own attendance policies regarding excused and unexcused absences and creating barriers to the provision of instructional resource materials in the area of sex education, HB 456’s requirements raise grave constitutional concerns.

In summary, I believe HB 456 would establish dangerous precedent as a content-based restriction on the power of local schools to make their own curriculum decisions. Where parents object to curriculum or policies adopted by members of local school boards, their recourse properly lies at the local level.

For these reasons, I ask for your support in sustaining my veto of HB 456.
Sincerely,

BRIAN SCHWEITZER
Governor

Representative Taylor thanked the pages for the week.

House Recessed.
House Reconvened

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 2:00 p.m., Monday, April 18, 2011. Motion carried.

House adjourned at 4:54 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
EIGHTY-THIRD LEGISLATIVE DAY**

Helena, Montana
April 18, 2011

House Chambers
State Capitol

House convened at 2:00 p.m. Mr. Speaker in the Chair. Representative F. Smith introduced Reverend Steve Smith who gave the invocation. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Evans, excused. Quorum present.

BILLS (O'Hara, Chairman):

4/18/2011

Correctly printed: **HJR 33, HJR 37, SB 414, SJR 23.**

Correctly enrolled: **HR 2.**

Examined by the sponsor and found to be correct: **HB 618, HR 2.**

Delivered to the Governor for approval at 9:40 a.m., April 14, 2011: **HB 327.**

Signed by the Speaker at 10:55 a.m., April 18, 2011: **HR 2.**

Signed by the Chief Clerk of the House at 10:45 a.m., April 18, 2011: **HR 2.**

Delivered to the Secretary of State at 11:32 a.m., April 18, 2011: **HR 2.**

Signed by the Speaker at 11:00 a.m., April 18, 2011: **HB 306, HB 358, HB 377, HB 444, HB 458, HB 477, HB 585, HB 609, HB 616, HB 642.**

Signed by the Speaker at 10:42 a.m., April 18, 2011: **HB 363, HB 492, HB 494, HB 560, HB 561, HB 562, HB 577, HB 607, HB 641.**

Signed by the Speaker at 3:55 p.m., April 18, 2011: **HB 618.**

Signed by the Chief Clerk of the House at 3:40 p.m., April 18, 2011: **HB 618.**

Representative F. Smith introduced Mikela Smith and Alissa Smith who performed a song for the House of Representatives.

Representative G. Bennett introduced the pages as follows.

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman):

4/28/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 5:00 p.m., Wednesday, April 13, 2011:

TITLE

NAME

Pages:

Carrie Kaiserski, Helena
Sam Poelstra, Bozeman
Allie Crowder, Culbertson
Alix Siegel, Havre
Amanda Wineman, Cut Bank
Sam Ganley, Edgar
Molly Hedrich, White Sulphur
Krista Stone, Butte

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, April 18, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Justin Miller, Florence Bailey Kennedy, Laurel Holly Galen, Big Timber Erika Davies, Lolo Ellery Luikens, Kalispell

Report Adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 126**
Report No. 1, April 18, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 126** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 126** (reference copy -- salmon) be amended as follows:

1. Page 2, line 1.

Following: "basis;"

Insert: "or"

2. Page 2, line 2.

Following: "\$1,000 IN"

Insert: "gross"

3. Page 2, line 2 through line 4.

Following: "STOCK"

Strike: remainder of line 2 through "VENDORS" on line 4

4. Page 2, line 5 through line 7.

Strike: subsection (c) in its entirety

For the Senate:
Brown, Chair
Larsen

For the House:
Salomon, Vice Chair
Furey

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

MESSAGES FROM THE SENATE

House bills not concurred in and returned to the House: 4/13/2011

HB 475, introduced by Connell
HB 574, introduced by Warburton

Senate joint resolutions passed and transmitted to the House for concurrence: 4/18/2011

SJR 28, introduced by Lake
SJR 29, introduced by Hinkle
SJR 30, introduced by Windy Boy

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

4/18/2011

HB 445, introduced by C. Smith, this bill missed the deadline for Revenue Bills.

House amendments to Senate bills concurred in:

4/18/2011

SB 207, introduced by Moore
SB 215, introduced by Gallus
SB 233, introduced by Keane
SB 283, introduced by Essmann
SB 299, introduced by Hamlett
SB 331, introduced by Jent
SB 410, introduced by Brenden
SB 411, introduced by Erickson
SB 418, introduced by Wittich
SB 426, introduced by Balyeat
SB 429, introduced by Wittich

Conference Committee Report No.1 adopted:

4/18/2011

HB 29, introduced by McNiven
HB 47, introduced by K. Peterson
HB 132, introduced by Hoven
HB 258, introduced by Edmunds
HB 297, introduced by Berry
HB 525, introduced by McNiven
SB 153, introduced by Jent
SB 198, introduced by Balyeat
SB 221, introduced by Gillan

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Free Conference Committee Report No.1 adopted:

4/18/2011

HB 43, introduced by MacLaren

SB 156, introduced by Windy Boy

House bills concurred in and returned to the House:

4/18/2011

HB 409, introduced by Beck

HB 633, introduced by Esp

MESSAGES FROM THE GOVERNOR

April 15, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 416, "**AN ACT PROVIDING FOR QUALITY ASSURANCE ACTIVITIES BY MEDICAL PRACTICE GROUPS; PROVIDING FOR CONFIDENTIALITY OF THE PROCEEDINGS OF QUALITY ASSURANCE COMMITTEES; PROVIDING EXCEPTIONS; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**"

House Bill 416 authorizes medical practice groups of two or more practitioners to establish quality assurance programs to review pending medical malpractice claims, conduct risk management activities, and undertake quality assurance reviews of individual cases or general practices. Perhaps the most prominent feature of the legislation is that it assures confidentiality of the matters discussed and considered by a quality assurance committee.

My concern with the legislation is that I believe its confidentiality provisions extend too far in one particular. The legislation, as written, appears to allow *facts* about a medical treatment to be withheld from a patient if the facts do not appear in an "incident report or occurrence report," but are disclosed in the context of the quality assurance committee proceedings. Certainly, the *facts* about the medical care provided to an individual should not be withheld from that individual –

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

regardless of where those facts come to light, i.e., in the patient's medical chart or in the discussions of a quality assurance committee proceeding.

My amendment assures that a patient will always have access to the facts about the care the patient received. In keeping with the bill's overall intent, the amendment continues to assure that the mental impressions, conclusions, opinions, or theories about the treatment of a patient, when discussed by the quality assurance committee, will stand protected as confidential, thereby serving the ultimate goal of quality assurance programs – to provide the best quality medical care of patients.

I ask you for favorable consideration of my proposed amendment to HB 416. " for the following reasons.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 416
Report No. 1, April 18, 2011

Governor's recommendations for amendments to **House Bill 416** (reference copy -- salmon) are as follows:

1. Page 3, line 18.

Strike: "subsection"

Insert: "subsections"

Following: "(6)"

Insert: "and (8)"

2. Page 3, line 25.

Strike: "A"

Insert: "Except as provided in subsection (8), a"

3. Page 4, line 24.

Insert: "(8) (a) Except as provided in subsection (8)(b), the confidentiality provisions of this section do not extend to facts about a patient or facts about the medical care provided to a patient.

(b) The exception to the confidentiality provisions contained in this subsection (8) does not extend to mental impressions, conclusions, opinions, or theories otherwise discussed or developed in a quality assurance committee proceeding by members of the committee."

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

April 15, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 187** sponsored by Representative Connell et al.,, **House Bill 195** sponsored by Representative Rosendale, **House Bill 330** sponsored by Representative B. Bennett et al.,, **House Bill 339** sponsored by Representative Bangerter et al.,, **House Bill 479** sponsored by Representative Small et al.,, **House Bill 491** sponsored by Representative Cuffe et al.,, and **House Bill 575** sponsored by Representative Hansen on April 15, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

April 14, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 66** sponsored by Representative Swanson, **House Bill 421** sponsored by Representative Malek, **House Bill 480** sponsored by Representative Menahan, **House Bill 547** sponsored by Representative K. Peterson, and **House Bill 566** sponsored by Representative Yates on April 14, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

MOTIONS

Representative McGillvray moved to reconsider action previously taken on **HB 439**.

Motion carried as follows:

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.
Total 52

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Klock, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.
Total 47

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

Representative Roberts moved that **SB 272** be taken from Human Services and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Gibson, Greef, Harris, Hendrick, Hill, Hoven, Ingraham, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McNally, McNutt, Miller, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Roberts, Rosendale, Sands, Schmidt, Small, F. Smith, Stahl, Wagner, Warburton, Williams, Wilmer, Mr. Speaker.
Total 50

Nays: Bangerter, B. Beck, G. Bennett, Brodehl, Edmunds, Esp, Flynn, Furey, Hale, Hands, Hansen, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McClafferty, McGillvray, McNiven, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Randall, Read, Regier, Reichner, Reinhart, Salomon, Sesso, Skattum, Skees, C. Smith, Squires, Taylor, Vance, Washburn, Welborn, Yates.
Total 47

Excused: Evans.
Total 1

Absent or not voting: Cuffe, Swanson.
Total 2

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Representative Warburton moved to reconsider action taken previously on **HJR 36**, and place it on second reading on April 19th.

Motion **failed** as follows:

Yeas: Bangerter, Barrett, B. Bennett, Blasdel, Blyton, Clark, Court, Driscoll, Ehli, Greef, Hoven, MacDonald, Malek, More, O'Neil, Peterson, Stahl, Wagner, Warburton, Williams, Wilmer.

Total 21

Nays: Ankney, Arntzen, B. Beck, Belcourt, G. Bennett, Berry, Boland, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Esp, Fitzpatrick, Flynn, Furey, Gibson, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Washburn, Welborn, Yates, Mr. Speaker.

Total 78

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 4 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 64

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Ingraham, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, Miller,

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Vance, Wagner.

Total 35

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 5 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 59

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Esp, Flynn, Greef, Hale, Harris, Hendrick, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton.

Total 39

Excused: Evans.

Total 1

Absent or not voting: Arntzen.

Total 1

HB 6 passed as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 70

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Nays: Arntzen, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Esp, Hale, Hansen, Harris, Hendrick, Kennedy, Kerns, Knox, Lavin, Loney, Miller, More, O'Neil, Osmundson, Randall, Salomon, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Washburn.

Total 29

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 7 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 64

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, More, O'Neil, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Taylor, Vance, Wagner.

Total 35

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 9 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 54

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, MacLaren, McGillvray, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 45

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 10 passed as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 62

Nays: Arntzen, G. Bennett, Blasdel, Blyton, Brodehl, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Welborn.

Total 37

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 29 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, Mehlhoff, Miller, O'Hara, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 69

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Nays: Barrett, B. Bennett, Boland, Court, Esp, Fitzpatrick, Furey, Gibson, Hands, Hill, Kennedy, MacDonald, Malek, McClafferty, McNutt, Menahan, More, Noonan, O'Neil, Pease-Lopez, Phillips, Reinhart, Sands, Sesso, Skattum, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 43 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 47 passed as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Flynn, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F.

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: B. Bennett, Burnett, Esp, Fitzpatrick, Gibson, Hale, Menahan, Pease-Lopez, Sands.

Total 9

Excused: Evans.

Total 1

Absent or not voting: Bangerter.

Total 1

HB 132 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Blasdel, Harris, Miller, Reichner, Vance, Welborn.

Total 6

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 133 passed as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Clark, Connell, Cook, Court, Driscoll, Esp, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 71

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Nays: Ankney, G. Bennett, Blasdel, Brodehl, Burnett, Cuffe, Edmunds, Ehli, Flynn, Hale, Hansen, Harris, Hendrick, Ingraham, Kennedy, Kerns, Knox, Knudsen, Miller, More, O'Neil, Randall, Skattum, Skees, Small, C. Smith, Warburton, Welborn.

Total 28

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 258 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: Belcourt, B. Bennett, Hands, McClafferty, Mehlhoff, Pease-Lopez, Sands.

Total 7

Excused: Evans.

Total 1

Absent or not voting: Edmunds.

Total 1

HB 262 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 64

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Nays: G. Bennett, Berry, Blasdel, Brodehl, Burnett, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Washburn.

Total 34

Excused: Evans.

Total 1

Absent or not voting: Small.

Total 1

HB 296 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 54

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, McNiven, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 45

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 297 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees,

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Edmunds, Esp, Harris, Hendrick, Kerns, Knox, More, O'Neil, Randall, Skattum, Wagner.

Total 11

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 351 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, Squires, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 82

Nays: Belcourt, Edmunds, Hendrick, Kennedy, Kerns, Knox, Miller, O'Neil, Osmundson, Randall, Skattum, Skees, C. Smith, F. Smith, Stahl, Vance, Wagner.

Total 17

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 366 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 63

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Nays: Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 34

Excused: Evans.

Total 1

Absent or not voting: Gibson, Greef.

Total 2

HB 495 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Kary, Klock, Knox, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 79

Nays: B. Beck, Esp, Hansen, Ingraham, Kennedy, Kerns, Knudsen, Miller, Randall, Regier, Sands, Skees, C. Smith, Stahl, Vance, Wagner, Welborn.

Total 17

Excused: Evans.

Total 1

Absent or not voting: Hoven, MacLaren, Skattum.

Total 3

HB 525 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McNally, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 90

Nays: Court, Hiner, McClafferty, McGillvray, Mehlhoff, Noonan, Reinhart, F. Smith, Squires.

Total 9

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 587 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: Hale, Kerns, McGillvray, Skattum, Small, C. Smith, Wagner.

Total 7

Excused: Evans.

Total 1

Absent or not voting: Stahl.

Total 1

HB 613 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Gibson, Greef, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, More, O'Hara, Osmundson, Peterson, Regier, Reichner, Roberts, Rosendale, Salomon, Small, C. Smith, Stahl, Taylor, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 54

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Nays: Barrett, Belcourt, B. Bennett, G. Bennett, Court, Edmunds, Flynn, Furey, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Randall, Read, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Swanson, Vance, Wagner, Williams, Wilmer.

Total 45

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 619 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Blasdel, Flynn, Kerns, Knox, Miller, Skattum, Skees, Vance, Wagner.

Total 9

Excused: Evans.

Total 1

Absent or not voting: Berry.

Total 1

SB 132 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands,

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

Nays: Bangerter, Connell, Hunter, McClafferty, Read, Small, Welborn.
Total 7

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

SB 143 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.
Total 72

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Swanson, Williams.
Total 27

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

SB 198 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 67

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 225 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 74

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hunter, Klock, MacDonald, MacLaren, Malek, McClafferty, McNally, Mehlhoff, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Williams, Wilmer.

Total 24

Excused: Evans.

Total 1

Absent or not voting: Pease-Lopez.

Total 1

SB 303 failed as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Cuffe, Edmunds, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, McGillvray, McNiven, McNutt, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Welborn, Mr. Speaker.

Total 48

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter,

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Kary, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Washburn, Williams, Wilmer, Yates.

Total 50

Excused: Evans.

Total 1

Absent or not voting: O'Hara.

Total 1

SB 354 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

Nays: G. Bennett, Blasdel, Esp, Fitzpatrick, Hale, Hansen, More, Randall, Reichner, Vance, Warburton.

Total 11

Excused: Evans.

Total 1

Absent or not voting: Stahl.

Total 1

SJR 15 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Driscoll, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McNiven, Mehlhoff, Menahan, More, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Small, F. Smith, Stahl, Swanson, Taylor, Vance, Washburn, Williams, Wilmer, Mr. Speaker.

Total 67

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Nays: G. Bennett, Boland, Court, Cuffe, Edmunds, Esp, Hands, Harris, Hendrick, Howard, Kerns, Klock, Knox, McClafferty, McGillvray, McNally, McNutt, Miller, Noonan, O'Neil, Peterson, Reinhart, Schmidt, Sesso, Skattum, Skees, C. Smith, Squires, Wagner, Warburton, Welborn, Yates.

Total 32

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SJR 17 concurred in as follows:

Yeas: Arntzen, Bangerter, B. Beck, B. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Ingraham, Kary, Kennedy, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.

Total 65

Nays: Ankney, Barrett, Belcourt, G. Bennett, Boland, Court, Esp, Furey, Hands, Hill, Hiner, Hollenbaugh, Howard, Hunter, Kerns, Klock, Knox, McClafferty, McNutt, Mehlhoff, Noonan, Pease-Lopez, Phillips, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Wagner, Williams, Wilmer, Yates.

Total 34

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SJR 18 concurred in as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Furey, Hands, Hansen, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer, Mr. Speaker.

Total 50

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Flynn, Gibson, Greef, Hale, Harris, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns,

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Klock, Knox, Knudsen, Loney, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates.

Total 49

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SJR 20 concurred in as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Hunter, Ingraham, Kary, Kennedy, Knudsen, Lavin, Loney, MacDonald, MacLaren, McNiven, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Skattum, Skees, Small, C. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 64

Nays: Ankney, Barrett, Belcourt, B. Bennett, Burnett, Ehli, Esp, Fitzpatrick, Hale, Hands, Hill, Hiner, Hollenbaugh, Howard, Kerns, Klock, Knox, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Miller, Noonan, Pease-Lopez, Phillips, Price, Read, Schmidt, Sesso, F. Smith, Stahl, Yates.

Total 35

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SJR 21 failed as follows:

Yeas: Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Flynn, Greef, Hansen, Harris, Hendrick, Hoven, Ingraham, Kary, Loney, MacDonald, MacLaren, Malek, McNiven, O'Hara, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Squires, Warburton, Washburn, Williams, Mr. Speaker.

Total 39

Nays: Ankney, Barrett, B. Bennett, Blasdel, Boland, Burnett, Edmunds, Ehli, Esp, Fitzpatrick, Furey, Gibson, Hale, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff,

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Menahan, Miller, More, Noonan, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Welborn, Wilmer, Yates.

Total 60

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 294 concurred in as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 62

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Burnett, Cuffe, Edmunds, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Rosendale, Skattum, Skees, Small, C. Smith, Vance, Wagner, Welborn.

Total 37

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 351 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Nays: Burnett, Edmunds, Esp, Hale, Kennedy, Kerns, Knox, Miller, O'Neil, Osmundson, Read, Skattum, Skees, Vance, Wagner.

Total 15

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Representative McGillvray moved to suspend the rules and place **HB 445** on second reading.

Motion **failed** as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 62

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 36

Excused: Evans.

Total 1

Absent or not voting: Harris.

Total 1

Representative Gibson moved to change his vote on **HB 29** from No to Yes.

Vote was **not** changed as follows:

Yeas: Bangerter, Blasdel, Blyton, Brodehl, Cuffe, Ehli, Esp, Gibson, Hill, Hiner, Hunter, Klock, Knudsen, Lavin, McNiven, Menahan, Noonan, O'Hara, Peterson, Randall, Regier, Stahl, Taylor, Warburton, Mr. Speaker.

Total 25

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Nays: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Fitzpatrick, Flynn, Furey, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Miller, More, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates.
Total 74

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Osmundson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Hands moved that the House Democrats Caucus. Motion carried.

House Recessed.
House Reconvened.

HB 265 - Representative McGillvray moved consideration of **HB 265** be placed at the top of the second reading board. Motion carried.

HB 408 - Representative McGillvray moved consideration of **HB 408** be placed below HB 265 on the second reading board. Motion carried.

HB 265 - Senate Amendments - Representative Vance moved Senate amendments to **HB 265** be concurred in. Motion carried as follows:

Yeas: Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Connell, Court, Cuffe, Driscoll, Ehli, Esp, Flynn, Furey, Gibson, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Rosendale, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith,

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 74

Nays: Ankney, Arntzen, Bangerter, Berry, Burnett, Clark, Cook, Edmunds, Evans, Fitzpatrick, Greef, Hendrick, Hoven, Howard, Kennedy, Knudsen, Lavin, McGillvray, McNiven, Noonan, Reichner, Roberts, Salomon, Skattum, Skees, Welborn.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 408 - Senate Amendments - Representative C. Smith moved Senate amendments to **HB 408** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.
Total 77

Nays: Barrett, Belcourt, Boland, Court, Driscoll, Hands, Hill, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Schmidt, Sesso, F. Smith, Squires, Wilmer.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 106 - Senate Amendments - Representative Lavin moved Senate amendments to **HB 106** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris,

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Hale, Small.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 167 - Senate Amendments - Representative Regier moved Senate amendments to **HB 167** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hands, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNiven, Mehlhoff, Menahan, Miller, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Welborn, Williams, Yates, Mr. Speaker.

Total 80

Nays: Belcourt, B. Bennett, Court, Furey, Hale, Hansen, Hill, Hollenbaugh, McClafferty, Noonan, Phillips, Reinhart, Sands, Sesso, F. Smith, Wilmer.

Total 16

Excused: None.

Total 0

Absent or not voting: McNally, McNutt, More, Washburn.

Total 4

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

HB 249 - Senate Amendments - Representative Fitzpatrick moved Senate amendments to **HB 249** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 85

Nays: Bangerter, Belcourt, Boland, Court, Hill, McClafferty, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sesso, Yates.

Total 13

Excused: None.

Total 0

Absent or not voting: Peterson, Sands.

Total 2

HB 405 - Senate Amendments - Representative Taylor moved Senate amendments to **HB 405** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Phillips, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum,

Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 77

Nays: Belcourt, Boland, Court, Driscoll, Hands, Hill, Hollenbaugh, MacDonald, Malek, McClafferty, McNally, Noonan, Pease-Lopez, Peterson, Price, Randall, Reinhart, Sands, Schmidt, Sesso, Williams, Wilmer, Yates.

Total 23

Excused: None.

Total 0

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Absent or not voting: None.

Total 0

HB 543 - Senate Amendments - Representative Fitzpatrick moved Senate amendments to **HB 543** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 86

Nays: Belcourt, Cuffe, Esp, Hale, Kerns, McClafferty, Noonan, Pease-Lopez, Sesso, Skattum, Skees, Wagner, Yates.

Total 13

Excused: None.

Total 0

Absent or not voting: More.

Total 1

HB 152 - Senate Amendments - Representative Washburn moved Senate amendments to **HB 152** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 34

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 172 - Senate Amendments - Representative Washburn moved Senate amendments to **HB 172** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Belcourt, Court, Fitzpatrick, Hollenbaugh, Miller, Noonan, F. Smith.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 414 - Senate Amendments - Representative Harris moved Senate amendments to **HB 414** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 68

Nays: Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan,

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

O'Neil, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 530 - Senate Amendments - Representative Washburn moved Senate amendments to **HB 530** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blyton, Boland, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, More, O'Hara, O'Neil, Osmundson, Price, Randall, Read, Reichner, Roberts, Salomon, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 64

Nays: Barrett, Belcourt, B. Bennett, Blasdel, Brodehl, Court, Esp, Furey, Hale, Hands, Harris, Hill, Hollenbaugh, Hunter, Kerns, Knox, Malek, McChesney, McClafferty, McNally, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Regier, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Squires, Vance.
Total 35

Excused: None.
Total 0

Absent or not voting: Peterson.
Total 1

HJR 33 - Representative MacLaren moved **HJR 33** be adopted. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Williams, Mr. Speaker.
Total 56

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Edmunds, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Welborn, Wilmer, Yates.
Total 44

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 414 - Representative Cuffe moved **SB 414** be concurred in.

SB 414 - Representative Brodehl moved for cloture.

SB 414 - Representative Cuffe moved **SB 414** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Cuffe, Edmunds, Esp, Evans, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Welborn, Mr. Speaker.
Total 53

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Brodehl, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kary, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Washburn, Williams, Wilmer, Yates.
Total 47

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, Small, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: Evans.

Total 1

Absent or not voting: Roberts, Salomon, C. Smith, Yates.

Total 4

Representative Noonan rose on a point of personal privilege in regard to comments made about the state's insurance commissioner. He stated that he felt it was disingenuous to imply that she cut and pasted the work that she did because she has put in a great deal of work to the legislation brought forward this legislative session.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Osmundson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 221 - Conference Committee Report No. 1 - Representative Noonan moved the Conference Committee report to **SB 221** be adopted. Motion carried as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Cook, Court, Driscoll, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum,

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 75

Nays: B. Beck, G. Bennett, Burnett, Connell, Cuffe, Evans, Flynn, Hale, Harris, Howard, Kary, Kennedy, Knox, McGillvray, More, Randall, Regier, Skees, Vance, Warburton, Washburn.
Total 21

Excused: None.
Total 0

Absent or not voting: Ankney, Arntzen, Edmunds, Hollandsworth.
Total 4

HB 111 - Senate Amendments - Representative Stahl moved Senate amendments to **HB 111** be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Ankney, Edmunds, Hollandsworth, Small.
Total 4

SB 156 - Free Conference Committee Report No. 1 - Representative Pease-Lopez moved the Free Conference Committee report to **SB 156** be adopted. Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Connell, Court, Driscoll, Ehli, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kennedy, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan,

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Pease-Lopez, Phillips, Price, Read, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.

Total 46

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Clark, Cook, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kerns, Klock, Knox, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: Ankney.

Total 1

HB 460 - Senate Amendments - Representative K. Peterson moved Senate amendments to **HB 460** be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 90

Nays: Noonan.

Total 1

Excused: None.

Total 0

Absent or not voting: Ankney, Edmunds, Hollandsworth, Kary, Phillips, Sesso, Small, Wagner, Mr. Speaker.

Total 9

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

HJR 37 - Representative Warburton moved **HJR 37** be adopted. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollenbaugh, Hoven, Ingraham, Kary, Kennedy, Knudsen, Lavin, Loney, MacDonald, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Read, Regier, Reichner, Roberts, Salomon, Schmidt, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Wilmer, Mr. Speaker.

Total 63

Nays: Barrett, B. Bennett, Brodehl, Cook, Court, Edmunds, Esp, Furey, Hands, Hill, Hollandsworth, Howard, Kerns, Klock, Knox, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Randall, Reinhart, Rosendale, Sands, Sesso, Skattum, Squires, Wagner, Williams, Yates.

Total 35

Excused: None.

Total 0

Absent or not voting: Ankney, Hunter.

Total 2

SB 94 - Representative McGillvray moved consideration of **SB 94** be passed for the day. Motion carried.

SJR 23 - Representative Regier moved **SJR 23** be concurred in.

SJR 23 - Representative Blasdel moved **SJR 23**, second reading copy, be amended as follows:

1. Page 3, line 7.

Strike: "analyze"

Strike: "effect"

Insert: "effects"

2. Page 3, line 8.

Strike: "determine if"

Insert: "whether"

3. Page 3, line 9.

Strike: "."

Insert: ","

4. Page 3, line 10.

Following: "states"

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Insert: ";

(12) whether services provided by nonprofit corporations or organizations justify the property tax exemptions and state income tax exemptions or reduced tax rates that they receive"

Amendment adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: More, Small.

Total 2

Excused: None.

Total 0

Absent or not voting: Ankney, Edmunds, Flynn, Hollandsworth.

Total 4

SJR 23 - Representative Regier moved **SJR 23**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.

Total 75

Nays: Bangerter, B. Bennett, Esp, Furey, Hendrick, Hill, Hiner, Hollenbaugh, Kennedy, Kerns, Malek, Noonan, Pease-Lopez, Peterson, Sands, F. Smith, Wagner, Welborn, Yates.

Total 19

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Excused: None.

Total 0

Absent or not voting: Ankney, Belcourt, Driscoll, Edmunds, Hollandsworth, Skattum.

Total 6

SB 153 - Conference Committee Report No. 1 - Representative Menahan moved the Conference Committee report to **SB 153** be adopted. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Esp, Evans, Fitzpatrick, Flynn, Furey, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Wagner, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 82

Nays: G. Bennett, Cuffe, Gibson, Hansen, McNiven, More, Peterson, Rosendale, Salomon, Stahl, Vance, Warburton, Washburn.

Total 13

Excused: None.

Total 0

Absent or not voting: Ankney, Burnett, Edmunds, Ehli, Hollandsworth.

Total 5

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

Chairman Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cuffe, Edmunds, Ehli, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Skattum, Skees, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

Nays: Barrett, B. Bennett, Court, Furey, Hands, Hiner, MacDonald, Malek, McClafferty, Mehlhoff, Noonan, Pease-Lopez, Phillips, Reinhart, Sands, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 22

Excused: Evans.

Total 1

Absent or not voting: Ankney, Belcourt, Burnett, Cook, Driscoll, Esp, Gibson, Hollenbaugh, Knudsen, C. Smith.

Total 10

MESSAGES FROM THE GOVERNOR

April 18, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 59, **"AN ACT REVISING THE DEFINITION OF "ELIGIBLE RENEWABLE RESOURCE" TO INCLUDE HYDROELECTRIC PROJECT EXPANSIONS; GRANTING THE PUBLIC SERVICE COMMISSION RULEMAKING AUTHORITY OVER HYDROELECTRIC PROJECT EXPANSIONS; AMENDING SECTIONS 69-3-2003 AND 69-3-2006, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"** for the following reasons.

House Bill 59 amends Montana's Renewable Power Production and Rural Economic Development Act, passed by the 2005 Legislature and which I signed into law, by allowing expansion of generation capacity at existing hydro projects to be incorporated into Montana's Renewable Portfolio Standard. By and large, the amendments to the Act contained in HB 59 are consistent with the Act's original purpose, which was to create incentives for diverse rural economic development through the production of renewable power commencing operation after January 1, 2005.

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

The bill has one problem, which my amendments propose to resolve. As written, HB 59 would apply to at least one project that is already underway. Allowing the incentives under the Act to apply retroactively to a project already underway creates no new jobs, and therefore does not serve either the Act's original purpose – to expand rural economic development – or my top legislative priority this session – to create new jobs. I know many legislators have expressed this priority, as well.

I believe most Montanans see the benefit of incentives that apply in a forward-looking manner to create jobs. I do not believe these same Montanans support giving an after-the-fact reward to a company for a project the company already commenced. My amendments limit the bill's applicability to projects that commence construction after the effective date of HB 59.

Hydropower is welcomed by Montanans, and it is welcomed by our current RPS statute. I believe HB 59, amended as I propose, allows for incremental hydro projects while still meeting the intent of the original Act.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 59
Report No. 1, April 19, 2011

Governor's recommendations for amendments to **House Bill 59** (reference copy -- salmon) are as follows:

1. Page 2, line 30.

Following: "of"

Insert: "generation capacity at"

Strike: "that increases existing generation capacity"

Insert: "when construction of the expansion commences"

2. Page 6, line 16.

Following: "expansion of"

Strike: "a"

Insert: "generation capacity at an existing"

3. Page 6, line 17.

Strike: "that increases generation capacity"

Insert: "when construction of the expansion commences"

4. Page 8, line 1 through line 2.

Strike: "that" on line 1 through "operating" on line 2

Insert: "in which construction is commenced"

HOUSE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2011

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 28, introduced by Lake, Arthun, referred to Education.

SJR 29, introduced by Hinkle, Kaufmann, referred to Judiciary.

SJR 30, introduced by Windy Boy, Stewart-Peregoy, Caferro, Augare, Vuckovich, Roberts, Ankney, Read, referred to Human Services.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Tuesday, April 19, 2011. Motion carried.

House adjourned at 5:28 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
EIGHTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
April 19, 2011

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Kary. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Evans, excused. Quorum present.

BILLS (O'Hara, Chairman):

4/19/2011

Correctly printed: **SB 199, SB 292, SB 406, SJR 26.**

Correctly engrossed: **HB 13.**

Delivered to the Governor for approval at 1:15 p.m., April 19, 2011: **HB 306, HB 358, HB 618.**

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the sixty-third, sixty-fourth, sixty-fifth, sixty-sixth, and sixty-seventh legislative days, find the same to be correct.

Representative O'Hara, Chair

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):

4/18/2011

HB 13, introduced bill, be amended as follows:

1. Page 5, line 13.

Strike: "\$32,323"

Insert: "\$35,323"

And, as amended, do pass. Report adopted.

SB 199, be concurred in. Report adopted.

SB 292, be concurred in. Report adopted.

SB 406, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 18, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 307, **"AN ACT PROHIBITING STATE BUILDING CODES FROM REQUIRING MANDATORY INSTALLATION OF FIRE SPRINKLER SYSTEMS IN CERTAIN RESIDENTIAL BUILDINGS; AMENDING SECTION 50-60-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"** for the following reasons.

House Bill 307 was returned to my office after the House and Senate failed to adopt my amendments. The bill prohibits the Department of Labor and Industry from adopting a state building code requirement that sprinklers be installed in certain residential buildings. My proposed amendments to HB 307 would have permitted our state building codes to include a rule authorizing local jurisdictions to adopt and enforce building standards to decide how and when additional requirements for fire suppression should be required in new construction.

I am now vetoing House Bill 307 in its entirety because of serious public safety concerns. Firefighters across the state who risk their lives every day have run into serious obstacles in suppressing fires in new residential housing projects that have limited water supply or are remotely located from volunteer fire departments. The State Building Codes need to at least have the option of considering mandatory sprinklers. Public hearings would be required before any new code requirement was adopted.

I respectfully request that the legislature sustain my veto.

Sincerely,
BRIAN SCHWEITZER
Governor

April 18, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 565, **"AN ACT PROVIDING CHILDREN WITH MENTAL HEALTH NEEDS WITH IN-STATE SERVICE ALTERNATIVES TO OUT-OF-STATE PLACEMENT; REVISING DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES PROCEDURES FOR DETERMINING PLACEMENT OF CHILDREN IN OUT-OF-STATE SERVICES; REQUIRING THE DEPARTMENT TO DIFFERENTIATE BETWEEN MODERATE AND INTENSIVE NEEDS FOR HIGH-RISK CHILDREN; EXPANDING REPORTING REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 52-2-308, 52-2-310, AND 52-2-311, MCA"** for the following reasons.

House Bill 565 addresses the important public policy of prioritizing placement of high-risk children with complex multiagency service needs in-state. I have proposed amendments to the bill for purposes of ensuring conformity with federal Medicaid law, to remove requirements regarding "performance standards" where no objective standards are available, and to make the current law more meaningful in a manner consistent with the sponsor's, Representative Noonan's, intent.

In its current form, HB 565 would require the Department of Public Health and Human Services (DPHHS) to establish a performance-based system for assigning in-state providers to cases. This provision in the bill conflicts with federal Medicaid requirements that any willing provider must be allowed to participate in the program if the provider meets established licensure and certification requirements. Additionally, HB 565 would require DPHHS to adopt rules establishing measurable performance standards and demonstrated successful outcomes for providers. While a laudable goal, no widely accepted performance standards exist, and it is extremely difficult to measure performance outcomes due to limited sample sizes and the inability to control for the vast differences between children with emotional disturbances.

My proposed amendments address these problems in the bill and also clarify current law consistent with DPHHS' experiences. For example, the amendments delete current requirements that DPHHS differentiate in definition and reimbursement rates between therapeutic settings that provide a moderate level of service and those providing an intensive level. For many years, the children served by DPHHS have required intensive level of services, so the amendments remove the distinction in statute that has proven unnecessary. Most other proposed amendments should be self-explanatory.

I share with the Legislature endorsement for the policy reflected in the law and in the improvements to the law contained in HB 565 that, to the extent possible, our state must prioritize treating children with complex and serious mental health needs close to home. We have made great strides in the past four years reducing the number of out-of-state placements of children requiring mental health treatment by 40%. We must continue in our efforts.

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Representative Noonan has indicated his support for my amendments, and I respectfully ask you to join him with your support as well.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 565
Report No. 1, April 19, 2011

Governor's recommendations for amendments to **House Bill 565** (reference copy -- salmon) are as follows:

1. Title, line 4.

Following: "ACT"

Insert: "CLARIFYING REQUIREMENTS FOR"

2. Title, line 7 through line 8.

Strike: "REQUIRING" on line 7 through "EXPANDING" on line 8

Insert: "REVISING"

3. Page 1, line 26.

Following: "children"

Insert: "have decreased by 40% in the last 4 years but still"

4. Page 2, line 7 through line 8.

Strike: "and a" on line 7 through "providers" on line 9

5. Page 2, line 13.

Strike: " and"

6. Page 2, line 14.

Following: "care"

Insert: "and planning process; and

(d) using criteria established by the department to address the specialized needs of high-risk children with multiagency service needs"

7. Page 2, line 15 through line 27.

Strike: subsections (2) and (3) in their entirety

Renumber: subsequent subsections

8. Page 2, line 28.

Strike: "establish" through "assigning a"

Insert: "allow any willing and"

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

9. Page 3, line 1.

Following: "(b)"

Strike: "The"

Insert: "Prior to contracting with a provider for the delivery of in-state services, the department must determine that the plan of care submitted by the in-state provider is both cost-effective and in the best interests of the child.

(c) If a qualified in-state provider proposes a plan of care for providing in-state services to the child, the"

10. Page 3, line 3 through line 4.

Strike: subsection (5) in its entirety

11. Page 3, line 12 through line 22.

Strike: "efforts the department made"

Insert: "process used"

Following: "placements"

Strike: ", including:" on line 12 through line 22

Insert: "; and

(e) the number of in-state providers participating in the pool."

12. Page 3, line 23.

Strike: "the department"

Insert: "medicaid"

13. Page 3, line 24.

Following: "indicating"

Strike: "the"

Insert: "other"

Strike: "program"

Insert: "programs"

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Phillips in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 140 - Senate Amendments - Representative Hiner moved Senate amendments to **HB 140** be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, B. Bennett, Boland, Burnett, Clark, Connell, Court,

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Edmunds, Ehli, Evans, Furey, Hands, Harris, Hiner, Hollandsworth, Hoven, Hunter, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 59

Nays: Ankney, Barrett, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Cook, Cuffe, Driscoll, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hill, Hollenbaugh, Howard, Ingraham, Kennedy, Kerns, Knox, Knudsen, Menahan, Miller, More, Randall, Read, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Welborn.
Total 41

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 370 - Senate Amendments - Representative Squires moved Senate amendments to **HB 370** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Furey, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kennedy, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Sands, Schmidt, Sesso, Small, Squires, Stahl, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 62

Nays: Arntzen, B. Beck, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Ingraham, Kary, Kerns, Knox, Knudsen, Lavin, McNiven, More, O'Neil, Osmundson, Randall, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, F. Smith, Taylor, Vance, Wagner, Warburton.
Total 38

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

HB 159 - Senate Amendments - Representative C. Smith moved Senate amendments to **HB 159** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

Nays: Boland, Court, Hands, Hill, Hollenbaugh, MacDonald, Pease-Lopez, Reinhart.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 186 - Senate Amendments - Representative Hunter moved Senate amendments to **HB 186** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 71

Nays: Arntzen, Blasdel, Blyton, Burnett, Edmunds, Evans, Hale, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, Miller, More, Randall, Read, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Wagner, Warburton.
Total 29

Excused: None.
Total 0

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Absent or not voting: None.

Total 0

HB 209 - Senate Amendments - Representative Washburn moved Senate amendments to **HB 209** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 87

Nays: Boland, Cook, Court, Hands, Hill, MacDonald, Malek, Noonan, Pease-Lopez, F. Smith, Stahl, Warburton, Wilmer.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 283 - Senate Amendments - Representative Bangerter moved Senate amendments to **HB 283** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 35

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 317 - Senate Amendments - Representative Cook moved Senate amendments to **HB 317** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 70

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Stahl, Swanson, Williams, Wilmer.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 518 - Senate Amendments - Representative Hunter moved Senate amendments to **HB 518** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read,

Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 81

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Hale, Kennedy, Kerns, Knox, Lavin, Randall, Regier, Skattum, Skees, C. Smith, Vance, Wagner, Welborn.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 615 - Senate Amendments - Representative K. Williams moved Senate amendments to **HB 615** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kary, Kerns, Klock, Knox, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 83

Nays: Berry, Brodehl, Burnett, Hale, Howard, Ingraham, Kennedy, Knudsen, Lavin, Loney, More, Randall, Skees, C. Smith, Wagner, Warburton.
Total 16

Excused: None.
Total 0

Absent or not voting: Peterson.
Total 1

HB 622 - Senate Amendments - Representative Ankney moved Senate amendments to **HB 622** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 638 - Senate Amendments - Representative Howard moved Senate amendments to **HB 638** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Mr. Speaker.
Total 67

Nays: Bangerter, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Wilmer, Yates.
Total 33

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 372 - Senate Amendments - Representative Washburn moved Senate amendments to **HB 372** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt,

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

Nays: Barrett, Belcourt, Boland, Furey, Hands, Malek, McClafferty, Mehlhoff, Menahan, Noonan, Pease-Lopez, Sesso, F. Smith.

Total 13

Excused: None.

Total 0

Absent or not voting: Warburton.

Total 1

HB 416 - Governor's Amendments - Representative Klock moved Governor's amendments to **HB 416** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, Miller, O'Hara, Osmundson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 55

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Edmunds, Fitzpatrick, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kennedy, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 77

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Cuffe, Hands, Hill, MacDonald, Malek, McClafferty, Mehlhoff, Noonan, Pease-Lopez, Phillips, Reinhart, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 22

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 106 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Hale, Small.

Total 2

Excused: Evans.

Total 1

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Absent or not voting: None.

Total 0

HB 111 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Belcourt, Kerns, Klock, Loney, Skattum, F. Smith, Wagner.

Total 7

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 152 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 34

Excused: Evans.

Total 1

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Absent or not voting: None.

Total 0

HB 167 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 70

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollandsworth, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 29

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 172 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 81

Nays: Barrett, Belcourt, B. Bennett, Driscoll, Furey, Hands, Hill, McClafferty, Miller, Noonan, Price, Reinhart, Sands, Sesso, F. Smith, Squires, Swanson, Williams.

Total 18

Excused: Evans.

Total 1

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Absent or not voting: None.

Total 0

HB 249 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 68

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 30

Excused: Evans.

Total 1

Absent or not voting: Kary.

Total 1

HB 265 passed as follows:

Yeas: Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Blyton, Boland, Brodehl, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 79

Nays: Ankney, Arntzen, Berry, Burnett, Clark, Cook, Esp, Fitzpatrick, Hendrick, Howard, Kerns, Klock, Knudsen, McGillvray, McNiven, McNutt, Salomon, Skattum, Skees, Welborn.

Total 20

Excused: Evans.

Total 1

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Absent or not voting: None.

Total 0

HB 405 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 63

Nays: Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 36

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 408 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wilmer, Yates.

Total 32

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 414 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 460 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 530 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, G. Bennett, Berry, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Flynn, Furey, Gibson, Greef, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: B. Beck, B. Bennett, Blasdel, Brodehl, Fitzpatrick, Hale, Hands, Hansen, Harris, Hill, Hollenbaugh, Hunter, Lavin, McClafferty, Mehlhoff, Menahan, Miller, Regier, Reinhart, Rosendale, Skees, Vance.

Total 22

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 543 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 93

Nays: Hale, Kerns, Knox, Skattum, Skees, Yates.

Total 6

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HJR 33 adopted as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skees, C. Smith, Stahl, Vance, Warburton, Washburn, Mr. Speaker.

Total 52

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Edmunds, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, Small, F. Smith, Swanson, Taylor, Wagner, Welborn, Williams, Wilmer, Yates.

Total 46

Excused: Evans.

Total 1

Absent or not voting: Squires.

Total 1

HJR 37 failed as follows:

Yeas: Arntzen, Bangerter, B. Beck, Blasdel, Blyton, Clark, Connell, Cuffe, Driscoll, Ehli, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Ingraham, Kary, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, More, O'Hara, O'Neil, Osmundson, Peterson, Read, Reichner, Roberts, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Wilmer, Mr. Speaker.

Total 48

Nays: Ankney, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Burnett, Cook, Court, Edmunds, Esp, Furey, Hands, Hill, Hiner, Hollenbaugh, Howard, Hunter, Kennedy, Kerns, Klock, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Randall, Regier, Reinhart, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Wagner, Williams, Yates.

Total 51

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 153 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: Cuffe, Gibson, Hale, Osmundson, Rosendale, Salomon, Vance, Warburton.

Total 8

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 221 concurred in as follows:

Yeas: Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Blyton, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 70

Nays: Ankney, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Cuffe, Edmunds, Esp, Flynn, Hale, Howard, Kennedy, Kerns, Knox, Knudsen, Miller, More, Osmundson, Peterson, Randall, Read, Regier, Roberts, Skattum, Skees, Wagner, Warburton.

Total 29

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 414 failed as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Burnett, Clark, Cuffe, Edmunds, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, More, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Welborn, Mr. Speaker.

Total 45

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Brodehl, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kary, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Washburn, Williams, Wilmer, Yates.

Total 54

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 593**
Report No. 1, April 18, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 593** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 593** (reference copy -- salmon) be amended as follows:

1. Page 1, line 24.

Strike: "SHALL"

Insert: "may"

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

For the House:
Ankney, Chair
McChesney
Stahl

For the Senate:
Olson, Vice Chair
Keane
Walker

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 338**
Report No. 1, April 18, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 338** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 338** (reference copy -- salmon) be accepted by the Senate.

For the Senate:
Brown, Chair
Arthun

For the House:
G. Bennett, Vice Chair
Kennedy

April 18, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 61** sponsored by Representative MacLaren, **House Bill 95** sponsored by Representative McNutt, **House Bill 103** sponsored by Representative Fitzpatrick, **House Bill 178** sponsored by Representative Howard et al., **House Bill 191** sponsored by Representative Flynn et al., **House Bill 213** sponsored by Representative Harris et al., **House Bill 251** sponsored by Representative Hoven, **House Bill 288** sponsored by Representative Sands et al., **House Bill 300** sponsored by Representative Flynn et al., **House Bill 352** sponsored by Representative Osmundson et al., **House Bill 380** sponsored by Representative Blasdel et al., **House Bill 529** sponsored by Representative Stahl, and **House Bill 535** sponsored by Representative Knudsen et al., on April 18, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

House Recessed.
House Reconvened.

Roll Call. All members present, except Representative Evans, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman):
SJR 26, be concurred in. Report adopted.

4/19/2011

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 97**
Report No. 1, April 19, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 97** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 97** (reference copy -- salmon) be amended as follows:

1. Title, line 6.

Strike: "18"

Insert: "16"

2. Page 2, line 18.

Strike: "18"

Insert: "16"

3. Page 3, line 23.

Strike: "OR JUSTICE'S"

4. Page 3, line 26 through line 27.

Strike: "OR JUSTICE'S"

5. Page 4, line 21.

Strike: "OR JUSTICE'S"

For the Senate:
Essmann, Chair
Shockley

For the House:
K. Peterson, Vice Chair
Bangerter

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

FREE CONFERENCE COMMITTEE
on Senate Bill 348
Report No. 1, April 19, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 348** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 348** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5.

Strike: ", MONITORING,"

2. Title, page 1, LINE 6.

Following: "MCA;"

Insert: "AMENDING SECTION 87-5-132, MCA;"

3. Page 2.

Following: line 20

Insert: "**Section 1.** Section 87-5-132, MCA, is amended to read:

"87-5-132. Use of radio-tracking collars for monitoring wolf packs. (1) As part of a wolf management plan approved by the department, a radio-tracking collar or a collar that uses global positioning system technology must be attached to at least one wolf in each wolf pack that is active near livestock or near a population center in areas where depredations are chronic or likely.

(2) The department ~~shall~~ may expend ~~only the state and~~ federal funds for wolf management purposes to fulfill the requirements of this section.

(3) The department may collaborate and cooperate with other state and federal agencies to fulfill the requirements of this section.""

Renumber: subsequent sections

4. Page 2, line 22 through page 3, line 4.

Strike: "(1)" on page 2, line 22 through "SEASONS." on page 3, line 4

Insert: "(1) The department shall allocate \$900,000 annually for wolf management.

(2) For the purposes of this section, the term "management" has the same meaning provided in 87-5-102 and includes:

(a) wolf collaring conducted pursuant to 87-5-132; and

(b) lethal action conducted pursuant to 87-1-217 to take problem wolves that attack livestock.

(3) Not more than 25% of the total funding allocated under this section may be used for administrative costs."

Renumber: subsequent subsections

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

5. Page 3, line 9.

Strike: "SOME OF"

6. Page 3.

Following: line 9

Insert: "NEW SECTION. Section 3. Appropriation. (1) The following money is appropriated to the department of fish, wildlife, and parks from the general license account for the purposes established in [section 1]:

Fiscal year 2012	\$274,000
Fiscal year 2013	\$274,000

(2) The following money is appropriated to the department of fish, wildlife, and parks from federal funds received from the United States fish and wildlife service for wolf management and the purposes established in [section 1]:

Fiscal year 2012	\$626,000
Fiscal year 2013	\$626,000

(3) The department may not expend more than 25% of the total appropriation in each fiscal year on administrative costs."

Renumber: subsequent sections

7. Page 3, line 11.

Strike: "[SECTION 1]"

Insert: "[Section 2]"

8. Page 3, line 13.

Strike: "[SECTION 1]"

Insert: "[section 2]"

For the Senate:
De. Barrett, Chair
Hamlett

For the House:
K. Peterson, Vice Chair
Connell
Phillips

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in:

4/19/2011

SB 187, introduced by Shockley
SB 253, introduced by Lake
SB 295, introduced by Lake
SB 326, introduced by Larsen

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

SB 379, introduced by Olson
SB 409, introduced by Tutvedt
SB 417, introduced by Buttrey

Governor's amendments to House bills concurred in and returned to the House: 4/19/2011

HB 90, introduced by McNutt
HB 559, introduced by Esp

SB 265 - The Senate failed to concur in House amendments to **SB 265**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 265**:

4/19/2011

Senator Tutvedt, Chair
Senator Hamlett
Senator Lake

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Phillips in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 126 - Conference Committee Report No. 1 - Representative Salomon moved the Conference Committee report to **SB 126** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Blyton, Boland, Clark, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands,

Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Williams, Wilmer, Mr. Speaker.
Total 61

Nays: B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Connell, Cuffe, Edmunds, Esp, Evans, Flynn, Gibson, Hale, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, More, O'Neil, Osmundson, Randall, Regier, Rosendale, Skattum, Skees,

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

C. Smith, Vance, Wagner, Warburton, Washburn, Welborn, Yates.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 593 - Conference Committee Report No. 1 - Representative Ankney moved the Conference Committee report to **HB 593** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 74

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 338 - Conference Committee Report No. 1 - Representative Kennedy moved the Conference Committee report to **SB 338** be adopted. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 78

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Nays: Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, Malek, Menahan, Pease-Lopez, Reinhart, Sands, Schmidt, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 21

Excused: None.

Total 0

Absent or not voting: Ankney.

Total 1

HB 565 - Governor's Amendments - Representative Noonan moved Governor's amendments to **HB 565** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 71

Nays: G. Bennett, Blasdel, Burnett, Cuffe, Evans, Hale, Hansen, Hendrick, Howard, Kary, Kennedy, Kerns, Knox, Lavin, Loney, McGillvray, More, O'Neil, Osmundson, Randall, Regier, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 13 - Representative McGillvray moved consideration of **HB 13** be passed for the day. Motion carried.

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen,

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 2011

Lavin, Loney, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 83

Nays: B. Bennett, Boland, Court, Hands, MacDonald, McClafferty, Menahan, Pease-Lopez, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson.

Total 15

Excused: Evans.

Total 1

Absent or not voting: Salomon.

Total 1

MOTIONS

Representative McGillvray moved to appoint a **Free** Conference Committee on **SB 265** and accede to the request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/19/2011

Representative Blasdel
Representative Lavin
Representative K. Williams

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Wednesday, April 20, 2011. Motion carried.

House adjourned at 1:33 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
EIGHTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
April 20, 2011

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Kennedy. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Evans, excused. Representative Reichner, absent Quorum present.

BILLS (O'Hara, Chairman): 4/20/2011

Correctly printed: **SJR 27, SJR 30.**

Correctly engrossed: **SJR 26.**

Correctly enrolled: **HB 5, HB 6, HB 7, HB 9, HB 10, HB 29, HB 43, HB 47, HB 90, HB 111, HB 132, HB 133, HB 152, HB 167, HB 172, HB 249, HB 262, HB 265, HB 296, HB 297, HB 351, HB 366, HB 408, HB 409, HB 495, HB 525, HB 530, HB 559, HB 587, HB 613, HB 619, HB 633.**

Examined by the sponsor and found to be correct: **HB 5, HB 6, HB 7, HB 9, HB 10, HB 29, HB 43, HB 47, HB 90, HB 111, HB 132, HB 133, HB 152, HB 167, HB 172, HB 249, HB 262, HB 265, HB 296, HB 297, HB 351, HB 366, HB 408, HB 409, HB 495, HB 525, HB 530, HB 559, HB 587, HB 613, HB 619, HB 622, HB 633.**

Correctly enrolled: **HB 4, HB 106, HB 159, HB 186, HB 198, HB 209, HB 258, HB 283, HB 317, HB 370, HB 372, HB 405, HB 414, HB 460, HB 518, HB 543, HB 615, HB 622, HB 638, HJR 8, SJR 29.**

BILLS (O'Hara, Chairman): 4/21/2011

Examined by the sponsor and found to be correct: **HB 186, HB 518, HB 615, HJR 8.**

Representative Taylor requested that the leadership of both parties join her in the well of the House of Representatives. Representatives Sands and Taylor thanked leadership and acknowledged Chief Clerk Cargo and her staff.

REPORTS OF STANDING COMMITTEES

HUMAN SERVICES (Howard, Chairman): 4/19/2011

SJR 27, be concurred in. Report adopted.

SJR 30, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House amendments to Senate bill NOT concurred in: 4/19/2011

SB 372, introduced by Tutvedt

STATE INTERNET/BBS COPY

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

House bill not concurred in and returned to the House:

4/19/2011

HB 211, introduced by Ingraham

SB 122 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 122**:

4/19/2011

Senator Balyeat, Chair
Senator Jent
Senator Shockley

HB 612 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 612**:

4/19/2011

Senator Lewis, Chair
Senator Hamlett
Senator Priest

MESSAGES FROM THE GOVERNOR

April 19, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 165, **"AN ACT REVISING AND CLARIFYING THE DISTRIBUTION OF PROCEEDS AND INCOME FROM CERTAIN STATE TRUST LANDS; PROVIDING THAT INCOME RECEIVED FROM CERTAIN ISLANDS, ABANDONED RIVERBEDS, RIVERBEDS, AND POWER SITES BE DEPOSITED IN THE GUARANTEE ACCOUNT AND THE SCHOOL FACILITY AND TECHNOLOGY ACCOUNT FOR DISTRIBUTION TO PUBLIC SCHOOLS; AMENDING SECTIONS 17-3-1003, 20-9-516, 77-1-102, 77-1-103, AND 77-4-208, MCA; AMENDING SECTION 32, CHAPTER 486, LAWS OF 2009; AND PROVIDING AN EFFECTIVE DATE"** for the following reasons.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

I offer the attached amendments to HB 165 because the legislative session is nearing completion and I want to be certain that money in the school facility and technology account, provided for in Mont. Code Ann. § 20-9-516, can be used for state reimbursement for school facilities, as provided in Mont. Code Ann. § 20-9-371. Other bills this session have addressed this subject, even one bill that remains alive containing an identical provision, HB 611, but I am presently unsure of the fate of HB 611. Passage of my amendment will ensure the policy change, which has received widespread support throughout the session.

I ask for your support of my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 165
April 19, 2011

Governor's recommendations for amendments to **House Bill 165** (reference copy -- salmon) are as follows:

1. Title, line 8.

Following: "SCHOOLS;"

Insert: "INCLUDING STATE REIMBURSEMENT FOR SCHOOL FACILITIES AS A PURPOSE OF THE SCHOOL FACILITY AND TECHNOLOGY ACCOUNT;"

2. Page 2, line 18.

Strike: "and"

3. Page 2, line 19.

Following: "improvements"

Insert: "; and

(f) state reimbursement for school facilities as provided in 20-9-371"

Representative McGillvray moved that the House Republicans Caucus. Motion carried.
Representative Hands moved that the House Democrats Caucus. Motion carried.

House Recessed.

House Reconvened.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wilmer in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 199 - Representative Di. Barrett moved **SB 199** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Reichner.

Total 1

SB 292 - Representative Hoven moved **SB 292** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson,

Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 71

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 28

Excused: None.

Total 0

Absent or not voting: Reichner.

Total 1

SB 406 - Representative Knudsen moved **SB 406** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: Reichner, Small.

Total 2

SJR 26 - Representative Hollandsworth moved **SJR 26** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skees, C. Smith, F. Smith, Stahl, Taylor, Warburton, Washburn, Welborn, Williams, Mr. Speaker.

Total 60

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Greef, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, Small, Squires, Swanson, Vance, Wagner, Wilmer, Yates.
Total 38

Excused: None.
Total 0

Absent or not voting: Belcourt, Reichner.
Total 2

HB 13 - Representative Hiner moved **HB 13** do pass.

Representative Skattum rose on a point of personal privilege to clarify that he did not say he was paid too much. His intention was to clarify that right now is not the right time for the bill because of the current state of the economy.

HB 13 - Representative Esp moved for cloture.

HB 13 - Representative Hiner moved **HB 13** do pass. Motion **failed** as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 40

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 60

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 59 - Representative McGillvray moved consideration of **HB 59** be placed below SB 97 on the second reading board. Motion carried.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

SB 348 - Free Conference Committee Report No. 1 - Representative K. Peterson moved the Free Conference Committee report to **SB 348** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: Brodehl, O'Neil, F. Smith.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 97 - Conference Committee Report No. 1 - Representative K. Peterson moved the Conference Committee report to **SB 97** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, Mehlhoff, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 67

Nays: Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Excused: None.
Total 0

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Absent or not voting: McNutt.

Total 1

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wilmer moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: Evans, Reichner.

Total 2

Absent or not voting: McGillvray.

Total 1

FREE CONFERENCE COMMITTEE
on **House Bill 621**
Report No. 1, April 20, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 621** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 621** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 10.

Following: "CONSERVATION;"

Insert: "ELIMINATING THE COORDINATING AUTHORITY; AUTHORIZING THE USE OF
QUARANTINE MEASURES IN AN INVASIVE SPECIES MANAGEMENT AREA;"

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

2. Title, page 1, line 11.

Following: "~~80-7-814,~~"

Insert: "80-7-1002,"

3. Title, page 1, line 12.

Following: "~~80-7-1005,~~"

Insert: "80-7-1005,"

Strike: the first "AND"

Following: "80-7-1007,"

Insert: "80-7-1008, AND 80-7-1011,"

4. Page 3.

Following: line 3

Insert: "**Section 1.** Section 80-7-1002, MCA, is amended to read:

"80-7-1002. Legislative findings and purpose. (1) The legislature finds that:

(a) invasive species can wreak damage on the economy, environment, recreational opportunities, and human health in Montana;

(b) there is reason to be concerned about the further introduction, importation, and infestation of Eurasian watermilfoil (*Myriophyllum spicatum*) and the introduction, importation, and infestation of additional invasive species ~~not yet present~~ in Montana, such as the zebra mussel (*Dreissena polymorpha*) and the quagga mussel (*Dreissena bugensis*), that could cause catastrophic damage to not only our waterways, rivers, and lakes, our water storage, delivery, and irrigation systems, our hydroelectric power structures and systems, and our aquatic ecosystems, but also to the entire state economy;

(c) as infestations of threatening invasive species move ever closer to Montana's borders, protecting Montana against these species is of utmost importance to the state economy, environment, recreational opportunities, and human health for the benefit of all Montanans;

(d) preventing the introduction, importation, and infestation of invasive species is the most effective and least costly strategy for combating invasive species that, once established, are often difficult to control or eradicate;

(e) the use of check stations, at which ~~the exterior of vessels~~ and trailers transporting vessels may be inspected for the presence of invasive species and cleaned if an invasive species is detected, is an effective way to prevent the introduction, importation, and infestation of invasive species that are easily transferred from infested areas to uninfested areas when proper precautions are not taken; and

(f) preventing the introduction, importation, and infestation of invasive species is best accomplished through coordinated educational and management activities.

(2) The purpose of this part is to establish a mechanism for Montana to take concerted action to detect, control, and manage invasive species, including preventing further introduction, importation, and infestation, by educating the public about the threat of these species, coordinating public and private efforts and expertise to combat these species, and authorizing the use of check stations to prevent the intrastate movement of invasive species from infested areas to uninfested areas to protect the state's economy, environment, recreational opportunities, and human health for the benefit of all Montanans.""

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Renumber: subsequent sections

5. Page 3, line 13.

Strike: ","

Insert: "or"

6. Page 3, line 14.

Strike: ", or for the entire state"

7. Page 3.

Following: line 29

Insert: "**Section 3.** Section 80-7-1005, MCA, is amended to read:

"80-7-1005. Cooperative agreement for invasive species detection and control. (1)

In order to implement, administer, and accomplish the purposes of this part, the departments, collectively or individually, shall enter into a cooperative agreement with each other or may enter into an agreement with any person with the appropriate expertise and administrative capacity to perform the obligations of the agreement.

(2) Prior to entering an agreement with a person other than a department, the departments shall work in collaboration with each other to coordinate their respective responsibilities in order to further the purposes of this part.

(3) A cooperative agreement may include provisions for funding to implement the agreement.

~~(4) The overall coordinating authority is the department of agriculture."~~

Renumber: subsequent sections

8. Page 4, line 1 through line 22.

Strike: section 2 in its entirety

Insert: "**Section 4.** Section 80-7-1006, MCA, is amended to read:

"80-7-1006. Departmental responsibilities. (1) The departments shall prepare a list of invasive species and identify those departments and other public agencies with jurisdiction over each species on the list. The jurisdiction of each department for the prevention and control of invasive species is according to the department's powers and duties as established by law.

(2) For those invasive species under the jurisdiction of more than one department, the departments with jurisdiction, through cooperative agreement, shall seek to clarify and coordinate their respective responsibilities.

(3) Working in collaboration with each other, the departments, individually or collectively, shall develop and adopt an invasive species strategic plan or plans to accomplish the purposes of this part. The plan or plans shall identify and prioritize threats and determine appropriate actions, in the following order of priority, related to:

(a) public awareness and education;

(b) prevention and detection of invasive species, including the use of invasive species management areas authorized under 80-7-1008;

(c) management, control, and restoration of infested areas; and

(d) emergency response.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

(4) The departments may enforce quarantine regulations and measures imposed by law or rule in an invasive species management area, including the mandatory inspection of any interior portion of a vessel that may contain water for the presence of an invasive species.

~~(4)~~(5) The departments shall implement education and outreach programs that increase public knowledge and understanding of prevention, early detection, and control of invasive species.""

Renumber: subsequent sections

9. Page 5, line 1.

Following: "pertaining to"

Insert: ":

(a) the use of quarantine regulations and measures;

(b) "

Following: "area"

Insert: ";

Following: the first "and"

Insert: "(c)"

10. Page 5, line 1 through line 2.

Strike: "the exterior" on line 1 through "of" on line 2

11. Page 5.

Following: line 5

Insert: "**Section 6.** Section 80-7-1008, MCA, is amended to read:

"80-7-1008. Invasive species management area -- authorization. (1) When an invasive species is identified as infesting or threatening an area, the department with jurisdiction over that invasive species may designate and administer an invasive species management area for a specific area of land; or for a body or bodies of water; ~~or for the entire state~~ for a specific or indeterminate amount of time to prevent and control the infestation or spread of that invasive species.

(2) To the extent practicable, prior to the designation of an invasive species management area, the department making the designation shall coordinate with all of the departments in order to further the purposes of this part.

(3) The designation of an invasive species management area must specify:

(a) the invasive species present or considered threatening; and

(b) ~~(i) subject to subsection (3)(b)(ii);~~ the method or methods for preventing the introduction of the species or controlling or eradicating the species, including regulations pertaining to:

(i) the use of quarantine measures;

(ii) the movement of vessels within, to, and from the area; and

(iii) whether check stations will be used to inspect and clean the exterior of vessels moving within, to, or from the area. A department may conduct mandatory inspections of any interior portion of a vessel that may contain water only if the department has included the use of mandatory inspections as part of quarantine measures established pursuant to subsection (3)(b)(i).

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

~~(ii) If the invasive species management area encompasses the entire state, departmental authority to prescribe requirements for cleaning and inspecting the exterior of vessels traveling within the state is limited to those vessels required to stop at a check station pursuant to 80-7-1011(3)(b).~~

(4) As far as practical, signs indicating that an invasive species management area is in place must be posted in an effective manner at access points to the designated area and along the boundaries and within the area. The signs must include information about the specific regulations that apply to the area. The signs must be paid for with funds from the invasive species account established in 80-7-1004. The departments may coordinate with any other governmental entity for the posting of signs.""

Insert: "Section 7. Section 80-7-1011, MCA, is amended to read:

"80-7-1011. Check stations. (1) The departments shall establish a check station within or adjacent to an invasive species management area to prevent the introduction, importation, infestation, and spread of the invasive species for which the designation was issued.

(2) At a check station, the departments may examine ~~the exterior of~~ vessels and trailers transporting vessels for the presence of an invasive species and compliance with regulations imposed under 80-7-1008(3)(b) and with this section. A department may examine any interior portion of a vessel that may contain water, including bilges, livewells, and bait containers, for compliance only if inspection of interior portions is included as part of quarantine measures established pursuant to 80-7-1008(3)(b)(i).

(3) ~~(a) Except as provided in subsection (3)(b), the~~ The owner, operator, or person in possession of a vessel shall stop at any check station unless a medical emergency makes stopping likely to result in death or serious bodily injury.

~~(b) If a check station is established under regulations pertaining to a statewide invasive species management area, a stop at that check station is required only for a vehicle transporting a vessel, excluding vessels that have never been used.~~

(4) If during an inspection of ~~the exterior of~~ a vessel or a trailer transporting a vessel the presence of an invasive species is detected ~~upon the exterior of the vessel~~, that vessel or trailer may not leave the check station until it is cleaned and decontaminated in a manner established in accordance with 80-7-1008(3)(b).""

Renumber: subsequent sections

12. Page 5, line 17.

Strike: "\$58,000"

Insert: "\$558,000"

For the House:
Ankney, Chair
Cuffe
Hollenbaugh

For the Senate:
Jackson, Vice Chair
Wanzenried
Zinke

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

MOTIONS

Representative McGillvray moved the Conference Committee on **HB 612** be dissolved and that a **Free** Conference Committee be appointed. Motion Carried. Speaker Milburn appointed:
4/20/2011

Representative Roberts
Representative Esp
Representative Sesso

Representative McGillvray moved the Conference Committee on **HB 122** be dissolved and that a **Free** Conference Committee be appointed. Motion Carried. Speaker Milburn appointed:
4/20/2011

Representative Ingraham
Representative Malek
Representative Skees

MESSAGES FROM THE SENATE

Governor's amendments to Senate bill concurred in and transmitted to the House for concurrence in the Governor's amendments:
4/20/2011

SB 11, introduced by Erickson

Free Conference Committee Report No.1 **NOT** adopted: 4/20/2011

HB 593, introduced by Ankney

Conference Committee Report No.1 adopted: 4/20/2011

SB 126, introduced by Larsen

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:
4/20/2011

HB 526, introduced by Edmunds, this bill missed the deadline for general bills.

House bill concurred in and returned to the House: 4/20/2011

HB 198, introduced by K. Peterson

House joint resolution concurred in and returned to the House: 4/20/2011

HJR 8, introduced by Hunter

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

SB 372 - The Senate failed to concur in House amendments to **SB 372**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 372**:

4/20/2011

Senator Tutvedt, Chair
Senator Gillan
Senator Lake

HB 426 - The Senate failed to concur in House amendments to **HB 426**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **HB 426**:

4/20/2011

Senator Balyeat, Chair
Senator Hamlett
Senator Lake

MOTIONS

Representative McGillvray moved to accede to the request of the Senate and appoint a **Free** Conference Committee on **SB 426**. Motion Carried. Speaker Milburn appointed:

4/20/2011

Representative Miller
Representative McNally
Representative Randall

Representative McGillvray moved to accede to the request of the Senate and appoint a **Free** Conference Committee on **SB 372**. Motion Carried. Speaker Milburn appointed:

4/20/2011

Representative Blasdel, Vice Chair
Representative Lavin
Representative K. Williams

Representative Fitzpatrick moved that **SB 272** be taken from Human Services and brought before the Committee of the Whole.

Motion **failed** as follows:

Yeas: Ankney, Arntzen, Barrett, B. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Cook, Court, Ehli, Fitzpatrick, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hoven, Ingraham, Kary, Lavin, MacLaren, Malek, McChesney, McClafferty, McNally, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Stahl, Warburton, Williams, Wilmer, Mr. Speaker.
Total 49

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Nays: Bangerter, B. Beck, G. Bennett, Brodehl, Clark, Connell, Cuffe, Driscoll, Edmunds, Esp, Flynn, Furey, Hands, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Osmundson, Randall, Read, Regier, Reinhart, Skattum, Skees, C. Smith, Squires, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Yates.
Total 48

Excused: Evans, Reichner.
Total 2

Absent or not voting: Belcourt.
Total 1

Representative Flynn moved to suspend the rules and place **SJR 21** on third reading.

Representative McGillvray rose on a point of order to clarify Representative Flynn's motion was to suspend the rules.

House Recessed.
House Reconvened.

Representative Flynn's motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Court, Cuffe, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Hendrick, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Randall, Read, Regier, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.
Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Burnett, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Hands, Harris, Hill, Hiner, Hollandsworth, Hunter, Klock, McClafferty, Mehlhoff, Menahan, Noonan, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Yates.
Total 35

Excused: Evans, Reichner.
Total 2

Absent or not voting: None.
Total 0

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Representative Edmunds moved to suspend the rules and accept **HB 526**.

Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: Evans, Reichner.

Total 2

Absent or not voting: None.

Total 0

House Recessed

House Reconvened.

Roll Call. All members present, except Representatives Evans and Reichner, excused.
Quorum present.

Representative G. Bennett prayed for Representative Evans who has been ill this session.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Peterson, Chairman):

4/20/2011

SJR 29, be concurred in. Report adopted.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 122**
Report No. 1, April 20, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 122** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 122** (reference copy -- salmon) be amended as follows:

1. Page 13, line 18 through line 19.

Strike: "starting" on line 18 through "2.27%" on line 19

Insert: "on July 1, 2009, continuing until the additional employer contributions terminate pursuant to 19-3-316, 0.27%"

2. Page 15, line 29 through line 30.

Strike: "starting" on line 29 through "2.27%" on line 30

Insert: "on July 1, 2009, continuing until the additional employer contributions terminate pursuant to 19-3-316, 0.27%"

For the House:
Ingraham, Chair
Malek
Skees

For the Senate:
Balyeat, Vice Chair
Shockley

FREE CONFERENCE COMMITTEE
on **Senate Bill 265**
Report No. 1, April 20, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 265** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 265** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 8.

Following: "CONSTRUCTION;"

Strike: "REQUIRING THE DEPARTMENT OF REVENUE TO REPORT TO THE REVENUE AND TRANSPORTATION INTERIM COMMITTEE ON THE USE OF THE ABATEMENT;"

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

2. Page 3.

Following: line 29

Insert: "NEW SECTION. Section 5. Report to interim committee. By September 15, 2014, the department shall provide a report to the revenue and transportation interim committee on the use of property tax abatement under [sections 2 and 3]. The committee shall, based on information contained in the report, make recommendations to the next legislature on the continuation or structure of the abatement."

Renumber: subsequent subsections

3. Page 4, line 1.

Strike: "4"

Insert: "5"

4. Page 4, line 3.

Strike: "4"

Insert: "5"

For the Senate:

Tutvedt, Chair

Hamlett

Lake

For the House:

Blasdel, Vice Chair

Lavin

K. Williams

FREE CONFERENCE COMMITTEE
on **Senate Bill 423**
Report No. 2, April 20, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 423** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 423** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 8.

Following: "INDIVIDUALS;"

Insert: "REQUIRING REPORTING; ALLOWING INSPECTIONS; REQUIRING LEGISLATIVE MONITORING;"

2. Title, page 1, line 12.

Following: "45-9-203,"

Insert: "46-18-202, 50-46-201, 50-46-202,"

3. Page 1, line 16 through line 22.

Strike: "WHEREAS," on line 16 through "ACT." on line 22

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

4. Page 1, line 28.

Strike: "17"

Insert: "23"

5. Page 1, line 30.

Strike: "17"

Insert: "23"

6. Page 2, line 4.

Strike: "17"

Insert: "23"

Strike: "and"

7. Page 2.

Following: line 4

Insert: "(c) allow individuals to assist a limited number of registered cardholders with the cultivation and manufacture of marijuana or marijuana-infused products;

(d) establish reporting requirements for production of marijuana and marijuana-infused products and inspection requirements for premises; and"

Renumber: subsequent subsection

8. Page 2, line 8.

Strike: "17"

Insert: "23"

9. Page 2.

Following: line 9

Insert: "(1) "Correctional facility or program" means a facility or program that is described in 53-1-202 and to which a person may be ordered by any court of competent jurisdiction."

Renumber: subsequent subsections

10. Page 2, line 10 through line 11.

Following: "means" on line 10

Insert: ":",

Strike: "a medical " on line 10 through "the condition" on line 11

Insert: "(a) cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient's health status;

(b) cachexia or wasting syndrome;

(c) severe chronic pain that is persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician and by:

(i) objective proof of the etiology of the pain, including diagnostic tests that may include but are not limited to the results of an x-ray, computerized tomography scan, or magnetic resonance imaging; or

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

(ii) confirmation of that diagnosis from a second physician who is independent of the treating physician and who conducts a physical examination;

- (d) intractable nausea or vomiting;
- (e) epilepsy or an intractable seizure disorder;
- (f) multiple sclerosis;
- (g) Crohn's disease;
- (h) painful peripheral neuropathy;
- (i) a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;
- (j) admittance into hospice care in accordance with rules adopted by the department; or
- (k) any other medical condition or treatment for a medical condition approved by the legislature"

Renumber: subsequent subsections

11. Page 2.

Following: line 14

Insert: "(6) (a) "Marijuana-infused product" means a product that contains marijuana and is intended for use by a registered cardholder by a means other than smoking.

(b) The term includes but is not limited to edible products, ointments, and tinctures.

(7) (a) "Marijuana-infused products provider" means a Montana resident who meets the requirements of [sections 1 through 23] and who has applied for and received a registry identification card to manufacture and provide marijuana-infused products for a registered cardholder.

(b) The term does not include the cardholder's treating or referral physician."

Renumber: subsequent subsections

12. Page 2, line 17 through line 18.

Strike: subsection (7) in its entirety

Renumber: subsequent subsections

13. Page 2, line 20.

Strike: "cultivate," through "use by"

Insert: "assist"

Following: "cardholder"

Insert: "as allowed under [sections 1 through 23]"

14. Page 2, line 21.

Following: "cardholder's"

Insert: "treating physician or referral"

15. Page 2.

Following: line 21

Insert: "(11) "Referral physician" means a person who:

(a) is licensed under Title 37, chapter 3;

(b) has an established office in Montana; and

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

(c) is the physician to whom a patient's treating physician has referred the patient for physical examination and medical assessment."

Renumber: subsequent subsections

16. Page 2.

Following: line 23

Insert: "(13) "Registered premises" means the location at which a registered cardholder, provider, or marijuana-infused products provider has indicated the person will cultivate or manufacture marijuana for a registered cardholder."

Renumber: subsequent subsections

17. Page 2, line 25.

Strike: "or"

Insert: ", "

Following: "provider"

Insert: ", or marijuana-infused products provider"

18. Page 2, line 27.

Strike: "17"

Insert: "23"

19. Page 2.

Following: line 29

Insert: "(16) "Second degree of kinship by blood or marriage" means a mother, father, brother, sister, son, daughter, spouse, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, grandchild-in-law, stepfather, stepmother, stepbrother, stepsister, stepson, stepdaughter, stepgrandparent, or stepgrandchild."

20. Page 3, line 2.

Following: "means"

Strike: "the standard" through "examiners"

Insert: ", at a minimum, the following activities when undertaken by a patient's treating physician or referral physician if the treating physician or referral physician is providing written certification for a patient with a debilitating medical condition:

(a) obtaining the patient's medical history;

(b) performing a relevant physical examination;

(c) reviewing prior treatment and treatment response for the debilitating medical condition;

(d) obtaining and reviewing relevant diagnostic test results related to the debilitating medical condition;

(e) discussing with the patient and ensuring that the patient understands the advantages, disadvantages, alternatives, potential adverse effects, and expected response to the recommended treatment;

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

- (f) monitoring the response to treatment and possible adverse effects; and
- (g) creating and maintaining patient records that remain with the physician"

21. Page 3.

Following: line 2

Insert: "(19) "Treating physician" means a person who:

- (a) is licensed under Title 37, chapter 3;
- (b) has an established office in Montana; and
- (c) has a bona fide professional relationship with the person applying to be a registered cardholder."

Renumber: subsequent subsections

22. Page 3, line 7.

Following: "physician"

Insert: "or referral physician"

23. Page 3, line 8.

Strike: "6"

Insert: "7"

24. Page 3, line 14.

Strike: "17"

Insert: "23"

25. Page 3, line 15.

Following: "providers"

Insert: "or marijuana-infused products providers"

26. Page 3, line 18.

Strike: "17"

Insert: "23"

27. Page 3, line 20.

Following: "provider"

Insert: "or marijuana-infused products provider"

28. Page 3, line 21.

Strike: "17"

Insert: "23"

29. Page 3, line 25.

Following: "provider"

Insert: "or marijuana-infused products provider"

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

30. Page 3, line 28.

Strike: "or for"

Insert: ", "

Following: "provider"

Insert: ", or a marijuana-infused products provider"

31. Page 4, line 2.

Strike: "17"

Insert: "23"

Strike: "15"

Insert: "30"

32. Page 4, line 4.

Strike: "15"

Insert: "5"

33. Page 4.

Following: line 5

Insert: "(5) Rejection of an application or renewal is considered a final department action, subject to judicial review."

Renumber: subsequent subsections

34. Page 4, line 13.

Strike: "(8)"

Insert: "(9)"

35. Page 4, line 6.

Following: "(5)"

Insert: "(a)"

Following: "unless"

Insert: ": (i) a physician has provided a written certification stating that a card is valid for a shorter period of time; or
(ii)"

36. Page 4, line 7.

Following: "providers"

Insert: "or marijuana-infused products providers"

Following: "providers."

Insert: "(b)"

Following: "provider's"

Insert: "or marijuana-infused products provider's"

37. Page 4, line 8.

Following: "provider"

Insert: "or new marijuana-infused products provider"

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

38. Page 4, line 10.

Following: "physician"

Strike: "or"

Following: "provider"

Insert: ", or marijuana-infused products provider"

39. Page 4, line 19.

Strike: "and"

Insert: ", "

Following: "providers"

Insert: ", and marijuana-infused products providers"

40. Page 4, line 20.

Following: "cardholders"

Strike: "or"

Insert: ", "

Following: "providers"

Insert: ", or marijuana-infused products providers"

Strike: "live"

Insert: "are located"

41. Page 4, line 21.

Strike: "14"

Insert: "17"

42. Page 4, line 28.

Following: "providers"

Insert: "and marijuana-infused products providers"

43. Page 5, line 1.

Strike: "or"

Insert: ", "

Following: "physicians"

Insert: ", providers, or marijuana-infused products providers"

44. Page 5, line 2.

Insert: "(12) The board of medical examiners shall report annually to the legislature on:

(a) the number and types of complaints the board has received involving physician practices in providing written certification for the use of marijuana, pursuant to 37-3-203; and

(b) the number of physicians whose names were provided to the board by the department as required under subsection (10). The report must include information on whether a physician whose practices were reviewed by the board pursuant to subsection (10) met the standard of care when providing written certifications."

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

45. Page 5, line 12.

Following: "provider"

Insert: "or a marijuana-infused products provider"

46. Page 5.

Following: line 12

Insert: "(f) a statement, on a form prescribed by the department, that the person will not divert to any other person the marijuana that the person cultivates, manufactures, or obtains for the person's debilitating medical condition;"

Renumber: subsequent subsections

47. Page 5, line 13.

Following: "physician"

Insert: "or referral physician"

48. Page 5, line 17.

Following: "provider"

Insert: "or marijuana-infused products provider"

49. Page 5, line 19.

Strike: "a statement"

Insert: "the written certification and accompanying statements"

Following: "physician"

Insert: "or referral physician"

Strike: "6"

Insert: "7"

50. Page 5, line 21.

Strike: "(2)"

Insert: "(1)"

51. Page 5, line 22.

Following: "decisions"

Insert: ": (a) provides proof of legal guardianship and responsibility for health care decisions if the person is submitting an application as the minor's legal guardian with responsibility for health care decisions; and
(b)"

52. Page 5, line 23.

Strike: "(a)"

Insert: "(i)"

Following: "minor's"

Insert: "treating"

Following: "physician"

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Insert: "or referral physician"

Renumber: subsequent subsections

53. Page 5, line 26.

Strike: "(i)"

Insert: "(A)"

Renumber: subsequent subsections

54. Page 5, line 27.

Following: "minor's"

Insert: "marijuana-infused products"

55. Page 5, line 29.

Strike: "and"

56. Page 5.

Following: line 29

Insert: "(D) agrees that the minor will use only marijuana-infused products and will not smoke marijuana;"

57. Page 5, line 30.

Strike: "(iv)"

Insert: "(c)"

Strike: "undergoes a name-based"

Insert: "submits fingerprints to facilitate a fingerprint and"

Following: "check"

Insert: "by the department of justice and federal bureau of investigation"

58. Page 6, line 1.

Following: "check"

Insert: "and may not obtain a registry identification card as a marijuana-infused products provider if the parent or legal guardian does not meet the requirements of [section 5].

(d) pledges, on a form prescribed by the department, not to divert to any person any marijuana cultivated or manufactured for the minor's use in a marijuana-infused product"

59. Page 6, line 3 through line 5.

Following: "or" on line 3

Strike: " "

Insert: "or"

Following: "court" on line 3

Strike: ", A DISTRICT COURT" through "PROGRAM" on line 5

60. Page 6, line 6.

Following: "provider"

Insert: "or marijuana-infused products provider"

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

61. Page 6, line 7.

Following: "use"

Insert: "unless the registered cardholder is the provider or marijuana-infused products provider"

62. Page 6, line 8.

Strike: "9"

Insert: "10"

63. Page 6, line 12.

Following: "provider"

Strike: "or to"

Insert: ", a marijuana-infused products provider, or"

64. Page 6, line 16.

Strike: "Providers"

Insert: "Provider types"

Following: "limitations"

Insert: "-- activities"

65. Page 6, line 17.

Following: "card to"

Insert: "or renew a card for"

Following: "provider"

Insert: "or marijuana-infused products provider"

66. Page 6, line 23.

Following: "cardholder"

Insert: "that indicates whether the person will act as the cardholder's provider or marijuana-infused products provider"

67. Page 6.

Following: line 23

Insert: "(e) a statement, on a form prescribed by the department, that the person will not divert to any other person the marijuana that the person cultivates or manufactures for a registered cardholder;"

Renumber: subsequent subsections

68. Page 6, line 24.

Strike: "indicating whether"

Insert: "acknowledging that"

69. Page 6, line 25.

Following: "at"

Strike: "a property" through "; and"

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Insert: "only one location as provided in subsection (7). The location must be identified by street address."

70. Page 6, line 28.

Strike: "as a provider"

Insert: "under this section"

71. Page 6, line 30 through page 7, line 2.

Following: "court" on page 6, line 30

Strike: ", A" through "PROGRAM" on page 7, line 2

72. Page 7.

Following: line 2

Insert: "(c) has been convicted of a violation under [section 16];"

Renumber: subsequent subsection

73. Page 7, line 8.

Following: "agency"

Insert: "; or (e) is a registered cardholder who has designated a provider or marijuana-infused products provider in the person's application for a card issued under [section 4]"

74. Page 7, line 9 through line 11.

Following: "(3)" on line 9

Insert: "(a)"

Following: the first "provider"

Insert: "or marijuana-infused products provider"

Strike: "only one" on line 9 through "marriage" on line 11

Insert: "a maximum of three registered cardholders"

75. Page 7.

Following: line 11

Insert: "(b) If the provider or marijuana-infused products provider is a registered cardholder, the provider or marijuana-infused products provider may assist a maximum of two registered cardholders other than the provider or marijuana-infused products provider.

(4) A provider or marijuana-infused products provider may accept reimbursement from a cardholder only for the provider's application or renewal fee for a registry identification card issued under this section."

Renumber: subsequent subsections

76. Page 7, line 12.

Strike: "17"

Insert: "23"

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

77. Page 7, line 14.

Following: "provider"

Insert: "or marijuana-infused products provider"

78. Page 7, line 15.

Strike: "compensation"

Insert: "anything of value, including monetary remuneration,"

79. Page 7.

Following: line 15

Insert: "(b) buy or sell mature marijuana plants, seedlings, cuttings, clones, usable marijuana, or marijuana-infused products; or"

Renumber: subsequent subsections

80. Page 7, line 16.

Following: "marijuana"

Insert: "unless the person is also a registered cardholder"

81. Page 7, line 17.

Strike: "a"

Following: "registered"

Strike: "cardholder"

Insert: "as both a provider and a marijuana-infused products provider"

82. Page 7, line 18.

Strike: "provider"

Insert: "person registered under this section"

Following: "only at"

Insert: "one of the following locations"

83. Page 7, line 19.

Following: "provider"

Insert: "or marijuana-infused products provider"

84. Page 7, line 20.

Following: "provider"

Insert: "or marijuana-infused products provider"

85. Page 7, line 24.

Following: "provider"

Insert: "or marijuana-infused products provider"

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

86. Page 7, line 25.

Insert: "NEW SECTION. Section 6. Marijuana-infused products provider -- requirements -- allowable activities. (1) An individual registered as a marijuana-infused products provider shall:

(a) prepare marijuana-infused products at a premises registered with the department that is used for the manufacture and preparation of marijuana-infused products; and

(b) use equipment that is used exclusively for the manufacture and preparation of marijuana-infused products.

(2) A marijuana-infused products provider:

(a) may cultivate marijuana only for the purpose of making marijuana-infused products; and

(b) may not provide a cardholder with marijuana in a form that may be used for smoking.

(3) All registered premises on which marijuana-infused products are manufactured must meet any applicable standards set by a local board of health for a food service establishment as defined in 50-50-102.

(4) Marijuana-infused products may not be considered a food or drug for the purposes of Title 50, chapter 31."

Renumber: subsequent sections

87. Page 7, line 26.

Strike: "Physician statement"

Insert: "Written certification -- accompanying statements"

88. Page 7, line 27.

Following: "must"

Insert: "be made on a form prescribed by the department and signed and dated by the physician. The written certification must"

89. Page 7.

Following: line 27

Insert: "(a) include the physician's name, license number, and office address and telephone number on file with the board of medical examiners and the physician's business e-mail address, if any; and

(b) the name, date of birth, and debilitating medical condition of the person for whom the physician is providing written certification.

(2) A treating physician or referral physician who is providing written certification for a patient shall provide a statement initialed by the physician that must:"

90. Page 7, line 28.

Following: "is"

Insert: ": (i)"

91. Page 7, line 29.

Following: "physician's"

Insert: "ongoing"

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Strike: "and supervision"

Insert: "as part of a bona fide professional relationship with the person; or
(ii) the person's referral physician"

92. Page 8.

Following: line 2

Insert: "(d) confirm that the physician has assumed primary responsibility for providing management and routine care of the person's debilitating medical condition after obtaining a comprehensive medical history and conducting a physical examination that included a personal review of any medical records maintained by other physicians and that may have included the person's reaction and response to conventional medical therapies;"

Renumber: subsequent subsections

93. Page 8.

Following: line 4

Insert: "(g) confirm that the physician has reviewed all prescription and nonprescription medications and supplements used by the person and has considered the potential drug interaction with marijuana;"

Renumber: subsequent subsections

94. Page 8.

Following: line 7

Insert: "(i) confirm that the physician has explained the potential risks and benefits of the use of marijuana to the person;"

Renumber: subsequent subsections

95. Page 8, line 10.

Strike: "and"

96. Page 8, line 12.

Following: "physician"

Insert: "or referral physician"

97. Page 8, line 13.

Strike: "supervise"

Insert: "monitor"

Following: "person's"

Insert: "response to the"

Following: "treatment"

Insert: "; and"

(m) contain an attestation that the information provided in the written certification and accompanying statements is true and correct"

98. Page 8, line 18.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Strike: the first "or"

Insert: ","

Following: "provider"

Insert: ", or marijuana-infused products provider"

Strike: "cardholder's or provider's"

Insert: "person's"

99. Page 8, line 24.

Strike: "10"

Insert: "11"

100. Page 8, line 29.

Following: "provider"

Insert: "or marijuana-infused products provider"

101. Page 9, line 1.

Following: "provider"

Insert: "or marijuana-infused products provider"

102. Page 9, line 10

Following: "provider"

Insert: "or marijuana-infused products provider"

Strike: "the amounts allowed under subsection (1)(a)"

Insert: "4 mature plants, 12 seedlings, and 1 ounce of usable marijuana"

103. Page 9, line 12.

Strike: "10"

Insert: "11"

104. Page 9, line 13.

Strike: "17"

Insert: "23"

105. Page 9, line 16.

Strike: "registered cardholder or provider"

Insert: "individual"

106. Page 9, line 26.

Strike: "17"

Insert: "23"

107. Page 9, line 29.

Strike: "17"

Insert: "23"

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

108. Page 10, line 3.

Strike: "Possession"

Insert: "Except as provided in [section 14], possession"

109. Page 10, line 11.

Insert: "(8) (a) A registered cardholder, a provider, or a marijuana-infused products provider is presumed to be engaged in the use of marijuana as allowed by [sections 1 through 23] if the person:

(i) is in possession of a valid registry identification card; and

(ii) is in possession of an amount of marijuana that does not exceed the amount permitted under [sections 1 through 23].

(b) The presumption may be rebutted by evidence that the possession of marijuana was not for the purpose of alleviating the symptoms or effects of a registered cardholder's debilitating medical condition."

110. Page 10, line 12.

Strike: "17"

Insert: "23"

111. Page 10, line 22.

Strike: "in"

Insert: "when ordered by any court of competent jurisdiction into"

Following: "facility"

Strike: ", INCLUDING ALL FACILITIES DESCRIBED IN 53-1-203"

Insert: "or program"

112. Page 10.

Following: line 22

Insert: "(vii) if a court has imposed restrictions on the cardholder's use pursuant to 46-18-202;"

Renumber: subsequent subsections

113. Page 10, line 25.

Following: "or"

Insert: "or"

114. Page 10, line 27 through line 30.

Strike: "; OR" on line 27 through "PROGRAM" on line 30

115. Page 11, line 1.

Strike: "or a"

Insert: ", "

Following: "provider"

Insert: ", or marijuana-infused products provider"

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

116. Page 11, line 3.

Following: "hospice"

Insert: "or residential care facility"

117. Page 11, line 5.

Strike: "17"

Insert: "23"

118. Page 11, line 8 through line 9.

Strike: "person with" on line 8 through "condition" on line 9

Insert: "registered cardholder"

119. Page 11, line 13.

Strike: "or a"

Insert: ", "

Following: "provider"

Insert: ", or marijuana-infused products provider"

120. Page 11, line 15.

Strike: "17"

Insert: "23"

121. Page 11, line 20.

Strike: "17"

Insert: "23"

Following: "provider"

Insert: "or marijuana-infused products provider"

122. Page 11, line 21.

Following: "provider"

Insert: "or marijuana-infused products provider"

123. Page 11, line 22 through page 23.

Strike: "registered" on line 22 through "provider" on line 23

Insert: "person with a valid registry identification card"

124. Page 11, line 25.

Strike: "3.5"

Insert: "5"

125. Page 11, line 26.

Following: "cardholder"

Strike: "or"

Insert: ", "

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Following: "provider"

Insert: ", or marijuana-infused products provider"

126. Page 12, line 6.

Insert: "NEW SECTION. Section 12. Prohibitions on physician affiliation with providers and marijuana-infused products providers -- sanctions. (1) (a) A physician who provides written certifications may not:

(i) accept or solicit anything of value, including monetary remuneration, from a provider or marijuana-infused products provider;

(ii) offer a discount or any other thing of value to a person who uses or agrees to use a particular provider or marijuana-infused products provider; or

(iii) examine a patient for the purposes of diagnosing a debilitating medical condition at a location where medical marijuana is cultivated or manufactured or where marijuana-infused products are made.

(b) Subsection (1)(a) does not prevent a physician from accepting a fee for providing medical care to a provider or marijuana-infused products provider if the physician charges the person the same fee that the physician charges other patients for providing a similar level of medical care.

(2) If the department has cause to believe that a physician has violated this section, has violated a provision of rules adopted pursuant to this chapter, or has not met the standard of care required under this chapter, the department may refer the matter to the board of medical examiners provided for in 2-15-1731 for review pursuant to 37-1-308.

(3) A violation of this section constitutes unprofessional conduct under 37-1-316. If the board of medical examiners finds that a physician has violated this section, the board shall restrict the physician's authority to provide written certification for the use of marijuana. The board of medical examiners shall notify the department of the sanction.

(4) If the board of medical examiners believes a physician's practices may harm the public health, safety, or welfare, the board may summarily restrict a physician's authority to provide written certification for the medical use of marijuana."

Renumber: subsequent sections

127. Page 12, line 7.

Following: "regulate."

Insert: "(1)"

128. Page 12, line 8.

Following: "provider"

Insert: "or marijuana-infused products provider"

129. Page 12, line 12.

Insert: "(2) A local government may adopt an ordinance or resolution prohibiting providers and marijuana-infused products providers from operating as storefront businesses."

Insert: "NEW SECTION. Section 14. Inspection procedures. (1) The department and state or local law enforcement agencies may conduct frequent, unannounced inspections of registered premises.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

(2) (a) Each provider and marijuana-infused products provider shall keep a complete set of records necessary to show all transactions with registered cardholders. The records must be open for inspection by the department and state or local law enforcement agencies at any time.

(b) The department may require a provider or marijuana-infused products provider to furnish information that the department considers necessary for the proper administration of [sections 1 through 23].

(3) (a) A registered premises, including any places of storage, where marijuana is cultivated, manufactured, or stored is subject to entry by the department or state or local law enforcement agencies for the purpose of inspection or investigation.

(b) If any part of the registered premises consists of a locked area, the provider or marijuana-infused products provider shall make the area available for inspection without delay upon request of the department or state or local law enforcement officials.

(4) A provider or marijuana-infused products provider shall maintain records showing the names and registry identification numbers of registered cardholders to whom mature plants, seedlings, usable marijuana, or marijuana-infused products were transferred and the quantities transferred to each cardholder."

Renumber: subsequent sections

130. Page 12, line 16.

Strike: "cardholder's"

Insert: "person's"

131. Page 12, line 18.

Following: "(ii)"

Insert: "mature"

Strike: "or"

Insert: ", seedlings,"

Following: "usable marijuana"

Insert: ", or marijuana-infused products"

132. Page 12, line 19.

Following: "cardholder"

Strike: "or a"

Insert: ", "

Following: "provider"

Insert: ", or marijuana-infused products provider"

Strike: "17"

Insert: "23"

133. Page 12, line 21.

Strike: "17"

Insert: "23"

134. Page 12, line 26.

Following: "cardholder"

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Strike: "or a"

Insert: ","

Following: "provider"

Insert: ", or marijuana-infused products provider"

Strike: "felony"

Insert: "misdemeanor"

Strike: "the state prison"

Insert: "a county jail"

Following: "for"

Insert: "a term"

135. Page 12, line 27.

Strike: "less than"

Insert: "to exceed"

Strike: "or not more than 5 years"

Strike: "\$50,000"

Insert: "\$1,000"

136. Page 12, line 28.

Strike: "6"

Insert: "7"

137. Page 12, line 29 and line 30.

Strike: "felony" on line 29

Insert: "misdemeanor"

Strike: "the state prison"

Insert: "a county jail"

Following: "for"

Strike: "not less than"

Insert: "a term not to exceed"

Strike: "or not more" on line 29 through "years" on line 30

Strike: "\$50,000"

Insert: "\$1,000"

138. Page 12.

Following: line 30

Insert: "(3) A person convicted under this section may not be registered as a provider or marijuana-infused products provider under [section 5]."

139. Page 13, line 2.

Strike: "A"

Insert: "Except as provided in 37-3-203, a"

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

140. Page 13, line 5.

Strike: "17"

Insert: "23"

141. Page 13, line 10 through line 11.

Strike: "debilitating" on line 11 through "provider" on line 11

Insert: "registry identification card"

142. Page 13, line 14.

Strike: "17"

Insert: "23"

143. Page 13, line 17.

Strike: "17"

Insert: "23"

144. Page 13, line 18.

Following: "possession of"

Insert: "mature"

Following: "plants"

Insert: "or seedlings"

145. Page 13, line 19.

Following: "plants"

Insert: "or seedlings"

146. Page 13, line 20.

Insert: "NEW SECTION. Section 20. Advertising prohibited. Persons with valid registry identification cards may not advertise marijuana or marijuana-related products in any medium, including electronic media."

Insert: "NEW SECTION. Section 21. Hotline. (1) The department shall create and maintain a hotline to receive reports of suspected abuse of the provisions of [sections 1 through 23].

 (2) The department may:

 (a) investigate reports of suspected abuse of the provisions of [sections 1 through 23];

or

 (b) refer reports of suspected abuse to the law enforcement agency having jurisdiction in the area where the suspected abuse is occurring."

Insert: "NEW SECTION. Section 22. Legislative monitoring.(1) The children, families, health, and human services interim committee shall provide oversight of the department's activities related to registering individuals pursuant to [sections 1 through 23] and of issues related to the cultivation, manufacture, and use of marijuana pursuant to [sections 1 through 23].

 (2) The committee shall identify issues likely to require future legislative attention and develop legislation to present to the next regular session of the legislature."

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Renumber: subsequent sections

147. Page 13, line 22.

Strike: "17"

Insert: "23"

148. Page 13, lines 25 and 26.

Following: "providers" on line 25

Insert: "and marijuana-infused products providers"

Following: "cards"

Strike: "for" on line 25 through "cardholders" on line 26

149. Page 13, line 29.

Strike: "[section 5]"

Insert: "[sections 4 and 5]"

Following: ";"

Strike: "and"

150. Page 13, line 30.

Strike: "17"

Insert: "23"

151. Page 14, line 2.

Strike: "17"

Insert: "23"

152. Page 15, line 25.

Strike: "that is"

Insert: "and accompanying statements"

153. Page 15, line 26.

Strike: "17"

Insert: "23"

154. Page 16, line 10.

Strike: "that is"

Insert: "and accompanying statements"

155. Page 16, line 11.

Strike: "17"

Insert: "23"

156. Page 16, line 23.

Strike: "that is"

Insert: "and accompanying statements"

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Strike: "17"

Insert: "23"

157. Page 19, line 18.

Strike: "12"

Insert: "15"

158. Page 19, line 19.

Insert: "Section 29. Section 46-18-202, MCA, is amended to read:

"46-18-202. Additional restrictions on sentence. (1) The sentencing judge may also impose any of the following restrictions or conditions on the sentence provided for in 46-18-201 that the judge considers necessary to obtain the objectives of rehabilitation and the protection of the victim and society:

- (a) prohibition of the offender's holding public office;
- (b) prohibition of the offender's owning or carrying a dangerous weapon;
- (c) restrictions on the offender's freedom of association;
- (d) restrictions on the offender's freedom of movement;
- (e) a requirement that the defendant provide a biological sample for DNA testing for purposes of Title 44, chapter 6, part 1, if an agreement to do so is part of the plea bargain;
- (f) a requirement that the offender surrender any registry identification card issued under [section 3];

(f)(g) any other limitation reasonably related to the objectives of rehabilitation and the protection of the victim and society.

(2) Whenever the sentencing judge imposes a sentence of imprisonment in a state prison for a term exceeding 1 year, the sentencing judge may also impose the restriction that the offender is ineligible for parole and participation in the supervised release program while serving that term. If the restriction is to be imposed, the sentencing judge shall state the reasons for it in writing. If the sentencing judge finds that the restriction is necessary for the protection of society, the judge shall impose the restriction as part of the sentence and the judgment must contain a statement of the reasons for the restriction.

(3) If a sentencing judge requires an offender to surrender a registry identification card issued under [section 3], the court shall return the card to the department of public health and human services and provide the department with information on the offender's sentence. The department shall revoke the card for the duration of the sentence and shall return the card if the offender successfully completes the terms of the sentence before the expiration date listed on the card."

Insert: "Section 30. Section 50-46-201, MCA, is amended to read:

"50-46-201. Medical use of marijuana -- legal protections -- limits on amount -- presumption of medical use. (1) A person who possesses a registry identification card issued pursuant to ~~50-46-103~~ before [the effective date of this section] may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a professional licensing board or the department of labor and industry, if:

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

(a) the qualifying patient or caregiver acquires, possesses, cultivates, manufactures, delivers, transfers, or transports marijuana not in excess of the amounts allowed in subsection (2); or

(b) the qualifying patient uses marijuana for medical use.

(2) A qualifying patient and that qualifying patient's caregiver may not possess more than six marijuana plants and 1 ounce of usable marijuana each.

(3) (a) A qualifying patient or caregiver is presumed to be engaged in the medical use of marijuana if the qualifying patient or caregiver:

(i) is in possession of a registry identification card; and

(ii) is in possession of an amount of marijuana that does not exceed the amount permitted under subsection (2).

(b) The presumption may be rebutted by evidence that the possession of marijuana was not for the purpose of alleviating the symptoms or effects of a qualifying patient's debilitating medical condition.

(4) A physician may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by the board of medical examiners or the department of labor and industry, for providing written certification for the medical use of marijuana to qualifying patients.

(5) An interest in or right to property that is possessed, owned, or used in connection with the medical use of marijuana or acts incidental to medical use may not be forfeited under any provision of law providing for the forfeiture of property other than as a sentence imposed after conviction of a criminal offense.

(6) A person may not be subject to arrest or prosecution for constructive possession, conspiracy, as provided in 45-4-102, or other provisions of law or any other offense for simply being in the presence or vicinity of the medical use of marijuana as permitted under this chapter.

(7) Possession of or application for a registry identification card does not alone constitute probable cause to search the person or property of the person possessing or applying for the registry identification card or otherwise subject the person or property of the person possessing or applying for the card to inspection by any governmental agency, including a law enforcement agency.

(8) A registry identification card or its equivalent issued by another state government to permit the medical use of marijuana by a qualifying patient or to permit a person to assist with a qualifying patient's medical use of marijuana has the same force and effect as a registry identification card issued by the department."

Insert: "Section 31. Section 50-46-202, MCA, is amended to read:

"50-46-202. Disclosure of confidential information relating to medical use of marijuana -- penalty. (1) The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards. Individual names and other identifying information on the list must be confidential and are not subject to disclosure except to:

(a) authorized employees of the department as necessary to perform official duties of the department; or

(b) state or local law enforcement agencies only as necessary to verify that a person is a lawful possessor of a registry identification card.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

~~(1)~~(2) A person, including an employee or official of the department or other state or local government agency, commits the offense of disclosure of confidential information relating to medical use of marijuana if the person knowingly or purposely discloses confidential information in violation of ~~50-46-103~~ this section.

~~(2)~~(3) A person convicted of disclosure of confidential information relating to medical use of marijuana shall be fined not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both.""

Renumber: subsequent sections

159. Page 20, line 29.

Insert: "NEW SECTION. Section 33. Emergency rulemaking. The department of public health and human services shall adopt emergency rules as provided in 2-4-303 to allow for issuance of registry identification cards in accordance with the provisions of [sections 1 through 23] beginning June 1, 2011."

Renumber: subsequent sections

160. Page 21, line 13.

Following: "this"

Strike: "act"

Insert: "section"

161. Page 21.

Following: line 14

Insert: "(2) (a) The department of public health and human services may issue registry identification cards to persons with debilitating medical conditions and to the persons named as providers or marijuana-infused products providers beginning June 1, 2011, under emergency rules adopted pursuant to [section 33].

(b) Until October 1, 2011, the department may issue cards to persons applying as providers or marijuana-infused products providers before the department has obtained the results of the fingerprint and background check required under [sections 4 and 5].

(c) A person who obtains a registry identification card as a provider or marijuana-infused products provider before October 1, 2011, shall submit fingerprints as required by [sections 4 and 5] no later than October 1, 2011.

(3) (a) The department shall revoke the registry identification card issued to a provider or marijuana-infused products provider under subsection (2) if:

(i) the person fails to submit fingerprints by October 1, 2011; or

(ii) the results of a fingerprint and background check conducted after issuance of the card shows that the person is ineligible for the card.

(b) The department shall notify the provider or marijuana-infused products provider and the registered cardholder who named the provider or marijuana-infused products provider that the person may no longer assist the registered cardholder with the use of marijuana to alleviate the symptom's of the cardholder's debilitating medical condition."

Renumber: subsequent subsection

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

162. Page 21, line 15 through line 16.

Strike: "July" on line 15 through "2011," on line 16

Insert: "[the effective date of this section]"

Following: "possession of"

Insert: "mature"

163. Page 21, line 17.

Following: the first "2011"

Insert: ", if the person has not obtained a registry identification card pursuant to the provisions of [sections 1 through 23] as provided for in subsection (2)"

Following: "2011,"

Strike: "the"

Insert: "a"

Following: "caregiver"

Insert: "who has not obtained a registry identification card pursuant to [sections 1 through 23]"

Strike: "the items"

Insert: "any mature marijuana plants, seedlings, cuttings, clones, usable marijuana, or marijuana-related products still in the caregiver's possession"

164. Page 21, line 21.

Strike: "17"

Insert: "23"

165. Page 21, line 23.

Strike: "17"

Insert: "23"

166. Page 21, line 25 through line 27.

Strike: "(1) If" on line 25 through "(2)" on line 27

167. Page 22, line 7.

Strike: "7"

Insert: "11"

168. Page 22, line 13.

Strike: "date"

Insert: "dates"

Strike: "[This act]"

Insert: "(1) Except as provided in subsection (2), [this act]"

169. Page 22, line 14.

Insert: "(2) [Sections 20, 30, 31, 33, the repeal of 50-46-103 provided for in section 34, and sections 35 and 38], and this section are effective on passage and approval."

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

For the Senate:
Essmann, Chair
Larsen
Vincent

For the House:
C. Smith, Vice Chair
Berry
Sands

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 23 concurred in as follows:

Yeas: Arntzen, Barrett, B. Beck, Belcourt, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Hendrick, Hill, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Skattum, Skees, C. Smith, Squires, Stahl, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.
Total 66

Nays: Ankney, Bangerter, B. Bennett, G. Bennett, Boland, Court, Edmunds, Esp, Hands, Hiner, Hollenbaugh, Kennedy, Kerns, Knox, Malek, McClafferty, McNutt, Mehlhoff, Noonan, Pease-Lopez, Peterson, Phillips, Price, Schmidt, Sesso, Small, F. Smith, Swanson, Wagner, Welborn, Yates.
Total 31

Excused: Evans, Reichner.
Total 2

Absent or not voting: Harris.
Total 1

HB 140 failed as follows:

Yeas: Burnett, Clark, Connell, Ehli, Hollandsworth, Hoven, Klock, MacLaren, McGillvray, McNiven, McNutt, O'Hara, Osmundson, Reinhart, Roberts, Rosendale, Yates, Mr. Speaker.
Total 18

Nays: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Cook, Court, Cuffe, Driscoll, Edmunds, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil,

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer.

Total 80

Excused: Evans, Reichner.

Total 2

Absent or not voting: None.

Total 0

HB 159 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 70

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Stahl, Swanson, Williams, Wilmer.

Total 28

Excused: Evans, Reichner.

Total 2

Absent or not voting: None.

Total 0

HB 186 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 57

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Harris, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin,

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

McGillvray, McNutt, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.
Total 41

Excused: Evans, Reichner.
Total 2

Absent or not voting: None.
Total 0

HB 209 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Schmidt, Skattum, Skees, Small, C. Smith, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 66

Nays: Barrett, Belcourt, B. Bennett, Blasdel, Boland, Cook, Court, Driscoll, Furey, Hands, Hill, Hunter, Kerns, Knox, MacDonald, Malek, McClafferty, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Sesso, F. Smith, Squires, Stahl, Wagner, Williams, Wilmer.
Total 32

Excused: Evans, Reichner.
Total 2

Absent or not voting: None.
Total 0

HB 283 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 64

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 34

Excused: Evans, Reichner.

Total 2

Absent or not voting: None.

Total 0

HB 317 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNally, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.

Total 32

Excused: Evans, Reichner.

Total 2

Absent or not voting: None.

Total 0

HB 370 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Connell, Cook, Court, Driscoll, Esp, Furey, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kennedy, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 53

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Ehli, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hoven, Howard, Ingraham, Kary, Kerns, Knox, Knudsen, Lavin, McNiven, McNutt, More, O'Neil, Osmundson, Randall, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton.

Total 45

Excused: Evans, Reichner.

Total 2

Absent or not voting: None.

Total 0

HB 372 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNally, McNiven, McNutt, Miller, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Roberts, Rosendale, Salomon, Schmidt, Skattum, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 71

Nays: Barrett, Belcourt, B. Bennett, Boland, Driscoll, Fitzpatrick, Hands, Hill, Hiner, Hollenbaugh, MacDonald, Malek, McChesney, McClafferty, Mehlhoff, Menahan, More, Noonan, Pease-Lopez, Price, Reinhart, Sands, Sesso, Skees, F. Smith, Squires, Swanson.

Total 27

Excused: Evans, Reichner.

Total 2

Absent or not voting: None.

Total 0

HB 518 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Roberts, Rosendale,

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 79

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Greef, Hale, Kennedy, Kerns, Knox, Lavin, Osmundson, Randall, Regier, Skattum, Skees, C. Smith, Vance.

Total 19

Excused: Evans, Reichner.

Total 2

Absent or not voting: None.

Total 0

HB 565 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Cook, Court, Driscoll, Edmunds, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 64

Nays: B. Beck, G. Bennett, Blasdel, Burnett, Cuffe, Esp, Flynn, Hale, Hansen, Harris, Howard, Kary, Kennedy, Kerns, Knox, Lavin, Loney, McGillvray, Miller, More, O'Neil, Osmundson, Peterson, Read, Regier, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn.

Total 33

Excused: Evans, Reichner.

Total 2

Absent or not voting: Connell.

Total 1

HB 593 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall,

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 69

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 29

Excused: Evans, Reichner.
Total 2

Absent or not voting: None.
Total 0

HB 615 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Kary, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 74

Nays: B. Beck, Burnett, Esp, Harris, Howard, Ingraham, Kennedy, Kerns, Knudsen, McGillvray, McNiven, More, Osmundson, Peterson, Randall, Read, Regier, Skees, C. Smith, Vance, Wagner, Warburton.
Total 22

Excused: Evans, Reichner.
Total 2

Absent or not voting: Arntzen, McNutt.
Total 2

HB 622 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney,

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Kerns, Skattum, Wagner.

Total 3

Excused: Evans, Reichner.

Total 2

Absent or not voting: None.

Total 0

HB 638 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 63

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 35

Excused: Evans, Reichner.

Total 2

Absent or not voting: None.

Total 0

SB 126 concurred in as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Blyton, Boland, Burnett, Clark, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips,

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Price, Read, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Washburn, Williams, Wilmer, Mr. Speaker.
Total 57

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Connell, Cuffe, Edmunds, Esp, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, More, O'Neil, Osmundson, Peterson, Randall, Regier, Roberts, Rosendale, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Welborn, Yates.
Total 41

Excused: Evans, Reichner.
Total 2

Absent or not voting: None.
Total 0

SB 338 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 71

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 27

Excused: Evans, Reichner.
Total 2

Absent or not voting: None.
Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wilmer in the chair.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 59 - Governor's Amendments - Representative Belcourt moved Governor's amendments to **HB 59** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 90

Nays: B. Bennett, Hands, Hunter, MacDonald, Malek, McNally, Menahan, Reinhart, Williams, Wilmer.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 165 - Governor's Amendments - Representative Hollandsworth moved Governor's amendments to **HB 165** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: Kennedy, Stahl.
Total 2

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Excused: None.

Total 0

Absent or not voting: Squires.

Total 1

HB 621 - Free Conference Committee Report No. 1 - Representative Ankney moved the Free Conference Committee report to **HB 621** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.
Total 91

Nays: Evans, Kerns, Knox, McGillvray, Reichner, Rosendale, Skattum, Wagner, Yates.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 11 - Governor's Amendments - Representative Hollandsworth moved Governor's amendments to **SB 11** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Nays: Evans, Harris, McGillvray, Peterson, Reichner, Skattum, C. Smith, Stahl.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wilmer moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: B. Bennett, Cook.

Total 2

Excused: Evans, Reichner.

Total 2

Absent or not voting: B. Beck, Harris, McGillvray, McNiven, Phillips.

Total 5

MOTIONS

Representative McGillvray moved to suspend the rules and place bills from second reading to third reading on the same day. Without objection, so ordered.

Representative McGillvray moved that the House Republicans Caucus. Motion carried.
Representative Sesso moved that the House Democrats Caucus. Motion carried.

House Recessed.

House Reconvened.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 199 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Pease-Lopez.

Total 1

Excused: Evans, Reichner.

Total 2

Absent or not voting: McNutt, Read.

Total 2

SB 292 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 69

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 28

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Excused: Evans, Reichner.

Total 2

Absent or not voting: McNutt.

Total 1

SB 406 concurred in as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 63

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 34

Excused: Evans, Reichner.

Total 2

Absent or not voting: McNutt.

Total 1

SJR 26 concurred in as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Roberts, Rosendale, Salomon, Skees, C. Smith, Stahl, Taylor, Warburton, Washburn, Welborn, Mr. Speaker.

Total 54

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Edmunds, Esp, Furey, Greef, Hands, Hill, Hollenbaugh, Hunter, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, Skattum, Small, F. Smith, Squires, Swanson, Vance, Wagner, Williams, Wilmer, Yates.

Total 43

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Excused: Evans, Reichner.

Total 2

Absent or not voting: McNutt.

Total 1

SB 348 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Miller, More, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Brodehl, Greef, Hendrick, Noonan, O'Neil, F. Smith.

Total 6

Excused: Evans, Reichner.

Total 2

Absent or not voting: Connell, Howard, McNutt.

Total 3

SB 97 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Mehlhoff, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Excused: Evans, Reichner.

Total 2

Absent or not voting: McNutt.

Total 1

HB 165 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: Evans, Reichner.

Total 2

Absent or not voting: McNutt.

Total 1

HB 621 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 90

Nays: G. Bennett, Hale, Kerns, Rosendale, Skattum, Wagner, Yates.

Total 7

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Excused: Evans, Reichner.

Total 2

Absent or not voting: McNutt.

Total 1

SB 11 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Bangerter, Harris, McGillvray, Peterson, Skattum, C. Smith.

Total 6

Excused: Evans, Reichner.

Total 2

Absent or not voting: Blyton, McNutt, Small.

Total 3

MOTIONS

Representative McGillvray moved the Conference Committee on **HB 593** be dissolved and that a **Free** Conference Committee be appointed. Motion Carried. Speaker Milburn appointed:

4/20/2011

Representative Ankney

Representative McChesney

Representative Stahl

Representative Edmunds moved to suspend the rules and accept **HB 526**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray,

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Excused: Evans, Reichner.

Total 2

Absent or not voting: None.

Total 0

Representative Hollandsworth wished to be in the journal and on the record to wish his mother Happy Birthday as Sunday is her one-hundredth birthday.

Representative G. Bennett thanked our pages for the week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 9:00 a.m., Tuesday, April 26, 2011.

Representative Sesso objected to the verbal agreement between the House of Representatives and the Senate in regard to recessing until April 26, and requested a vote be taken.

House Recessed.

House Reconvened.

Representative Hendrick rose on a point of personal privilege and stated that it had been brought to his attention that the decorum of the House had slipped this year. He requested that the members continue to keep the decorum of the House. He also wished to clarify a statement he had made regarding who had voted on HB 1.

House Recessed.

House Reconvened.

Representative McGillvray withdraw his previous motion.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Representative McGillvray moved to consent to the request of the Senate, and adjourn until Tuesday, April 26, 2011.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 34

Excused: Evans, Reichner.
Total 2

Absent or not voting: McNutt.
Total 1

Representative McGillvray moved that we request that the Senate accede to our request and adjourn until 9:00 a.m., Tuesday, April 26, 2011.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 33

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2011

Excused: Evans, Reichner.

Total 2

Absent or not voting: McNutt.

Total 1

House Recessed.

House Reconvened.

Representative McGillvray announced that the Senate had acceded to the House's request and would also adjourn until Tuesday, April 26, 2011 at 9:00 a.m.

Representative McGillvray moved that the House adjourn until 9:00 a.m., Tuesday, April 26, 2011. Motion carried.

House adjourned at 3:21 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
EIGHTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
April 26, 2011

House Chambers
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Edmunds. Pledge of Allegiance to the Flag.

Roll Call. All members present , except Representatives Evans and Hands, excused. Quorum present.

BILLS (O'Hara, Chairman):

4/21/2011

Signed by the Speaker at 1:00 p.m., April 21, 2011: **HB 5, HB 6, HB 7, HB 9, HB 10, HB 351, HB 495, HB 613, HB 619, HB 633.**

Signed by the Chief Clerk of the House at 12:00 p.m., April 21, 2011: **HB 5, HB 6, HB 7, HB 9, HB 10, HB 351, HB 495, HB 613, HB 619, HB 633.**

Signed by the Speaker at 1:05 p.m., April 21, 2011: **HB 90, HB 559.**

Signed by the Chief Clerk of the House at 12:00 p.m., April 21, 2011: **HB 90, HB 559.**

Signed by the President at 3:30 p.m., April 25, 2011: **HB 90, HB 559.**

Signed by the Speaker at 1:00 p.m., April 21, 2011: **HB 29, HB 43, HB 47, HB 111, HB 133, HB 152, HB 167, HB 172, HB 249, HB 262, HB 265, HB 296, HB 297, HB 366, HB 408, HB 409, HB 525, HB 530, HB 587, HB 615, HB 622.**

Signed by the Chief Clerk of the House at 12:30 p.m., April 21, 2011: **HB 29, HB 43, HB 47, HB 111, HB 133, HB 152, HB 167, HB 172, HB 249, HB 262, HB 265, HB 296, HB 297, HB 366, HB 408, HB 409, HB 525, HB 530, HB 587, HB 615, HB 622.**

BILLS (O'Hara, Chairman):

4/26/2011

Signed by the Speaker at 1:15 p.m., April 26, 2011: **HB 4, HB 106, HB 159, HB 186, HB 209, HB 258, HB 283, HB 317, HB 370, HB 372, HB 405, HB 414, HB 460, HB 518, HB 543, HB 638, HJR 8.**

Signed by the Chief Clerk of the House at 11:00 a.m., April 26, 2011: **HB 4, HB 106, HB 159, HB 186, HB 209, HB 258, HB 283, HB 317, HB 370, HB 372, HB 405, HB 414, HB 460, HB 518, HB 543, HB 638, HJR 8.**

Delivered to the Governor for approval at 1:10 p.m., April 26, 2011: **HB 29, HB 47, HB 90, HB 111, HB 133, HB 152, HB 167, HB 172, HB 249, HB 262, HB 265, HB 296, HB 297, HB 366, HB 408, HB 409, HB 458, HB 525, HB 530, HB 559, HB 587, HB 607, HB 615, HB 622.**

Examined by the sponsor and found to be correct: **HB 4, HB 106, HB 159, HB 209, HB 258, HB 283, HB 317, HB 370, HB 372, HB 405, HB 414, HB 460, HB 543, HB 638.**

Correctly printed: **SJR 28.**

Correctly engrossed: **SJR 27, SJR 29, SJR 30.**

Delivered to the Governor for approval at 9:50 a.m., April 26, 2011: **HB 494.**

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Representative Sands announced that Mary McCue had passed away, the House had a moment of silence.

Representative MacDonald moved that the House Democrats Caucus. Motion carried.

House Recessed.
House Reconvened.

REPORTS OF STANDING COMMITTEES

EDUCATION (Reichner, Chairman):
SJR 28, be concurred in. Report adopted.

4/20/2011

MESSAGES FROM THE GOVERNOR

April 21, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 12** sponsored by Representative Menahan, **House Bill 69** sponsored by Representative Menahan, **House Bill 125** sponsored by Representative Klock, **House Bill 279** sponsored by Representative F. Smith et al., **House Bill 469** sponsored by Representative Clark, **House Bill 548** sponsored by Representative Bangerter et al., and **House Bill 584** sponsored by Representative Mehlhoff et al., on April 20, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

April 21, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Dear Representative Milburn:

Please be informed that I have signed **House Bill 51** sponsored by Representative Di. Barrett, **House Bill 83** sponsored by Representative Berry et al., **House Bill 91** sponsored by Representative Ingraham, **House Bill 107** sponsored by Representative Hollenbaugh, **House Bill 166** sponsored by Representative Esp, **House Bill 196** sponsored by Representative Connell et al., **House Bill 216** sponsored by Representative Miller, **House Bill 291** sponsored by Representative Sesso et al., **House Bill 295** sponsored by Representative Cook, **House Bill 336** sponsored by Representative Menahan, **House Bill 411** sponsored by Representative Wilmer et al., **House Bill 522** sponsored by Representative Kary et al., **House Bill 541** sponsored by Representative Welborn, **House Bill 552** sponsored by Representative Hale et al., and **House Bill 602** sponsored by Representative McNutt on April 21, 2011.

Delivered without signature was **HB 277** sponsored by Representative Washburn, and **HB 538** sponsored by Representative Peterson.

Sincerely,

BRIAN SCHWEITZER
Governor

April 22, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 188** sponsored by Representative Loney et al., on April 22, 2011.

Delivered without signature was **HB 327** sponsored by Representative McClafferty.

Sincerely,
BRIAN SCHWEITZER
Governor

April 22, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 2, "**AN ACT APPROPRIATING MONEY TO VARIOUS STATE AGENCIES FOR THE BIENNIUM ENDING JUNE 30, 2013; AND PROVIDING AN EFFECTIVE DATE.**" for the following reasons.

I have worked closely with you and the Senate President and have reached an agreement with both of you as to every line change contained in these amendments. I now await passage of these amendments by the House and Senate in order that a budget for the State of Montana for the 2013 biennium be delivered to me for final signature.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 2
April 26, 2011

Governor's recommendations for amendments to **House Bill 2** (reference copy -- salmon) are as follows:

1. Page A-2, line 7.

Strike: "2,406,554	2,403,155"	[general fund FY 2012 and FY 2013]
Insert: "2,589,554	2,586,155"	[general fund FY 2012 and FY 2013]

2. Page A-5, line 6.

Strike: "5,197,645	5,199,561"	[general fund FY 2012 and FY 2013]
Insert: "5,357,049	5,358,965"	[general fund FY 2012 and FY 2013]

3. Page A-5, line 12.

Strike: "10,553,944	10,560,200"	[general fund FY 2012 and FY 2013]
Insert: "10,858,929	10,865,185"	[general fund FY 2012 and FY 2013]

4. Page A-5.

Following: line 18

Insert: "b. Computer Programming (Restricted/Biennial/OTO) 500,000"	[general fund FY 2012]
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HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

5. Page A-5.

Following: line 24

Insert: "c. SB 29 -- Alcohol Server and Sales Training
89,004 85,419" [proprietary FY 2012 and FY 2013]

6. Page A-6, line 1.

Strike: "1,824,161 1,826,065" [general fund FY 2012 and FY 2013]

Insert: "1,876,058 1,877,962" [general fund FY 2012 and FY 2013]

7. Page A-6, line 4.

Strike: "9,775,358 9,786,472" [general fund FY 2012 and FY 2013]

Insert: "10,025,706 10,036,820" [general fund FY 2012 and FY 2013]

8. Page A-6, line 8.

Strike: "18,842,690 18,867,679" [general fund 2012 and FY 2013]

Insert: "19,326,056 19,351,045" [general fund 2012 and FY 2013]

9. Page A-6.

Following: line 16

Insert: "Computer Programming is contingent on passage and approval of House Bill No. 316 or Senate Bill No. 329.

Information Technology and Processing and Property Assessment Division do not include present law adjustments for non-department of administration rent increases for the department of revenue for the 2013 biennium. It is the intent of the legislature that its rejection of the governor's proposed present law adjustments for rent is a reduction in the funds available for the purpose of the department of revenue's leases for office space and that the department of revenue either renegotiate the leases due to the reduction in funds or cancel the leases as provided in 2-17-101(6)."

10. Page A-9, line 3.

Strike: "425,179 574,821 462,959 537,041"
[general fund and state special fund FY 2012 and FY 2013]

Insert: "1,000,000 0 1,000,000 0"
[general fund and state special fund FY 2012 and FY 2013]

11. Page A-11.

Following: line 10

Insert: "a. HB 186 -- Worksafe Montana
500,000 500,000" [state special fund FY 2012 and FY 2013]

"b. HB 334 -- Workers' Compensation Revisions
442,772 408,297" [state special fund FY 2012 and FY 2013]

12. Page A-11.

Following: line 12

Insert: "a. HB 83 -- Prescription Drug Registry

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

145,107 115,838" [state special fund FY 2012 and FY 2013]

Insert: "b. SB 423 -- Medical Marijuana

50,000 50,000" [state special fund FY 2012 and 2013]

13. Page A-11.

Following: line 22

Insert: "HB 186 -- Worksafe Montana is contingent on passage and approval of House Bill No. 186.

HB 83 -- Prescription Drug Registry is contingent upon passage and approval of House Bill No. 83.

SB 423 -- Medical Marijuana is contingent on passage and approval of Senate Bill No. 423."

14. Page A-12.

Following: line 16

Insert: "b. Military Museum -- Equipment (Restricted/Biennial/OTO)

100,000 [general fund FY 2012]"

15. Page B-2.

Following: line 17

Insert: "Management and Disability Transitions, Human and Community Services Division, Child and Family Services Division, and Child Support Enforcement Division do not include present law adjustments for non-department of administration rent increases for the department of public health and human services for the 2013 biennium. It is the intent of the legislature that its rejection of the governor's proposed present law adjustments for rent is a reduction in the funds available for the purpose of the department of public health and human services' leases for office space and that the department of public health and human services either renegotiate the leases due to the reduction in funds or cancel the leases as provided in 2-17-101(6)."

16. Page B-3.

Following: line 9

Insert: "c. SB 423 -- Medical Marijuana (OTO)

150,000 150,000"[state special fund FY 2012 and FY 2013]

17. Page B-3.

Following: line 23

Insert: "SB 423 -- Medical Marijuana is contingent on passage and approval of Senate Bill No. 423.

Quality Assurance Division does not include present law adjustments for non-department of administration rent increases for the department of public health and human services for the 2013 biennium. It is the intent of the legislature that its rejection of the governor's proposed present law adjustments for rent is a reduction in the funds available for the purpose of the department of public health and human services' leases for office space and that the department of public health and human services either renegotiate the leases due to the reduction in funds or cancel the leases as provided in 2-17-101(6)."

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

18. Page B-4, line 1.

Strike: "10,806,920" [state special fund FY 2012]

Insert: "14,806,920" [state special fund FY 2012]

19. Page B-4, line 3.

Strike: "10,804,580" [state special fund FY 2013]

Insert: "14,804,580" [state special fund FY 2013]

20. Page B-4, line 13.

Strike: "128,642,182 129,723,906" [federal special fund FY 2012 and FY 2013]

Insert: "129,478,183 130,542,467" [federal special fund FY 2012 and FY2013]

21. Page B-4, line 14.

Strike: "73,956,561 75,408,214" [general fund FY 2012 and FY 2013]

Insert: "74,383,149 75,834,802" [general fund FY 2012 and FY 2013]

22. Page B-4, line 15 through line 16.

Strike: line 15 through line 16 in their entirety

23. Page B-4, line 20.

Strike: "105,459,899 111,011,040" [general fund FY 2012 and FY 2013]

Insert: "114,523,581 119,867,693" [general fund FY 2012 and FY 2013]

24. Page B-4, line 21.

Strike: "67,383,145 68,322,968" [state special fund FY 2012 and FY 2013]

Insert: "68,393,078 69,177,133" [state special fund FY 2012 and FY 2013]

Strike: "417,451,121 444,604,720" [federal special fund FY 2012 and FY 2013]

Insert: "466,795,456 492,995,088" [federal special fund FY 2012 and FY 2013]

25. Page B-4, line 25 through page B-5, line 3.

Strike: Page B-4, line 25 through page B-5, line 3 in their entirety

Renumber: subsequent subsections

26. Page B-5.

Following: line 5

Insert: "c. Indian Property Exclusion (OTO)

262,543 513,982 266,037 510,488" [state special fund and federal special fund FY 2012
and FY 2013]

Insert: "d. Reestablish Hospital Base (OTO)

307,268 261,291" [state special fund FY 2012 and FY 2013]

Insert: "e. Big Sky Rx (Biennial)

4,003,825 4,003,223" [state special fund FY 2012 and 2013]

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

27. Page B-5, line 23.

Strike: "2,731,179 2,767,530" [state special fund FY 2012 and FY 2013]
Insert: "1,638,708 1,711,292" [state special fund FY 2012 and FY 2013]
Strike: "5,346,843 5,310,492" [federal special fund FY 2012 and FY 2013]
Insert: "3,208,106 3,283,723" [federal special fund FY 2012 and FY 2013]

28. Page B-5.

Following: line 23

Insert: "e. Restore Personal Assistance (OTO)
251,358 492,085 251,358 482,320 " [state special fund and federal special fund FY 2012
and FY 2013]

29. Page B-5, line 25.

Strike: "12,653,778" [state special fund FY 2013]
Insert: "14,801,412" [state special fund FY 2013]

30. Page B-6.

Strike: line 2 through line 3 in their entirety
Strike: line 11 through line 12 in their entirety
Strike: line 15 in its entirety
Strike: line 20 through line 24 in their entirety

31. Page B-7.

Strike: line 13 through line 14 in their entirety

32. Page B-7.

Following: line 14

Insert: "Federal special revenue appropriated to the department of public health and human services may be allocated among programs when developing 2013 biennial operating plans.

Disability Services Division, Senior and Long-Term Care Division, and Addictive and Mental Disorders Division do not include present law adjustments for non-department of administration rent increases for the department of public health and human services for the 2013 biennium. It is the intent of the legislature that its rejection of the governor's proposed present law adjustments for rent is a reduction in the funds available for the purpose of the department of public health and human services' leases for office space and that the department of public health and human services either renegotiate the leases due to the reduction in funds or cancel the leases as provided in 2-17-101(6).

If the Addictive and Mental Disorders Division is unable to secure a federal grant to support the suicide prevention coordination position, the division may use other funds available from the appropriations for the Addictive and Mental Disorders Division to fund the position."

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

33. Page C-4.

Following: line 18

Insert: "b. SB 206 -- Energy Transmission Siting
613,386 602,386" [state special fund FY 2012 and FY 2013]

34. Page C-5.

Following: line 12

Insert: "SB 206 -- Energy Transmission Siting is contingent upon passage and approval of Senate
Bill No. 206."

35. Page C-6.

Strike: line 15 through line 16 in their entirety

36. Page C-7.

Strike: line 12 through line 13 in their entirety

37. Page C-7, line 17.

Strike: "(OTO)"

38. Page C-7, line 19.

Strike: "/OTO"

39. Page C-7, line 21.

Strike: "(OTO)"

40. Page C-8, line 4.

Strike: "(OTO)"

41. Page C-8, line 12.

Strike: "(OTO)"

42. Page C-8, line 16.

Strike: "(OTO)"

43. Page C-8, line 18.

Strike: "(OTO)"

44. Page C-8.

Strike: line 25 in its entirety

45. Page C-10.

Strike: line 4 through line 5 in their entirety

Renumber: subsequent subsections

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

46. Page C-10.

Strike: line 11 through line 12 in their entirety

47. Page C-10.

Strike: line 17 through line 20 in their entirety

Renumber: subsequent subsections

48. Page C-12, line 8.

Strike: "\$1,543,487"

Insert: "\$1,893,487"

Following: "\$1,893,487"

Strike: "\$1,543,487"

Insert: "\$1,893,487"

Following: "\$1,893,487"

Strike: "\$1,543,487"

Insert: "\$1,893,487"

49. Page C-12, line 9.

Following: "\$1,893,487"

Strike: "\$1,543,487"

Insert: "\$1,893,487"

50. Page C-13.

Strike: line 1 through line 2 in their entirety

51. Page C-13.

Following: line 2

Insert: "c. SB 126 -- Ag Inspection Fees

84,753 84,753" [state special fund FY 2012 and FY 2013]

52. Page C-13.

Strike: line 10 in its entirety

53. Page C-13.

Following: line 12

Insert: "SB 126 -- Ag Inspection Fees is contingent upon passage and approval of Senate Bill No. 126."

54. Page D-1, line 9.

Strike: "200,000 200,000" [general fund FY 2012 and FY 2013]

Insert: "295,927 295,518" [general fund FY 2012 and FY 2013]

55. Page D-1, line 18.

Strike: "327,078 327,265" [state special fund FY 2012 and FY 2013]

Insert: "227,078 227,265" [state special fund FY 2012 and FY 2013]

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

56. Page D-1, line 19.

Strike: "24,913,770 25,002,216" [general fund FY 2012 and FY 2013]

Insert: "25,013,770 25,102,216" [general fund FY 2012 and FY 2013]

57. Page D-5, line 16.

Following: "(01)"

Insert: "(Biennial)"

58. Page D-5, line 18.

Strike: "19,541,412 19,558,747" [general fund FY 2012 and FY 2013]

Insert: "21,041,412 21,058,747" [general fund FY 2012 and FY 2013]

59. Page D-5, line 22.

Insert: "c. Death Penalty Cases (Restricted/Biennial/OTO) 500,000 400,000" [general fund FY 2012 and FY 2013]

Insert: "d. SB 15 -- Misdemeanor Aggravated DUI
85,500 85,500" [general fund FY2012 and FY 2013]

Insert: "e. SB 187 -- Revise Public Defender Laws 111,144" [state special fund FY 2013]

60. Page D-5, line 23.

Following: "(02)"

Insert: "(Biennial)"

61. Page D-6.

Following: line 6

Insert: "Death Penalty Cases is restricted for the purpose of death penalty case costs until September 1, 2012. After September 1, 2012, any remaining funds available for the appropriation may be used for any purpose consistent with the mission of the agency.

SB 15 -- Misdemeanor Aggravated DUI is contingent on passage and approval of Senate Bill No. 15.

SB 187 -- Revise Public Defender Laws is contingent on passage and approval of Senate Bill No. 187."

62. Page D-6, line 16.

Strike: "58,313,406 58,554,173" [general fund FY 2012 and FY 2013]

Insert: "60,113,406 60,354,173" [general fund FY 2012 and FY 2013]

63. Page D-7.

Strike: line 19 through line 21 in their entirety

Strike: line 24 through line 25 in their entirety

64. Page D-8.

Strike: line 1 through line 3 in their entirety

Strike: line 9 through line 13 in their entirety

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

65. Page E-1, line 9.

Strike: "0 0" [general fund FY 2012 and FY 2013]

Insert: "1,168,000 1,168,000" [general fund FY 2012 and FY 2013]

Strike: "1,168,000 1,168,000" [state special fund FY 2012 and FY 2013]

Insert: "0 0" [state special fund FY 2012 and FY 2013]

66. Page E-1.

Strike: line 10 through line 11 in their entirety

67. Page E-1, line 17.

Strike: "492,262,212 520,021,232" [general fund FY 2012 and FY 2013]

Insert: "485,441,752 526,495,288" [general fund FY 2012 and FY 2013]

68. Page E-2.

Strike: line 18 through line 20 in their entirety

Renumber: subsequent subsections

69. Page E-3.

Strike: line 9 through line 11 in their entirety

70. Page E-3.

Following: line 11

Insert: "o. Multidistrict Cooperatives (Restricted/Biennial/OTO) 1,000,000" [general fund FY2012]

71. Page E-3, line 22 through Page E-4, line 2.

Strike: Page E-3, line 22 through Page E-4, line 2 in their entirety

72. Page E-4.

Strike: line 9 through line 11 in their entirety

73. Page E-5.

Following: line 6

Insert: "The general fund appropriation for BASE Aid is increased by \$5,647,742 in FY 2012 and is decreased by \$7,589,936 in FY 2013 if Senate Bill No. 329 is not passed and approved in a form that:

(1) provides for an inflation factor for basic and total per-ANB entitlements of at least 1.0% in FY 2012 and at least 2.43% in FY 2013; and

(2) allocates revenue from school districts' excess oil and natural gas production taxes to the state special revenue guarantee account provided for in 20-9-622. For the purpose of this subsection (2), excess oil and natural gas production taxes means revenue in excess of 130% of a school district's maximum budget."

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

74. Page E-5.

Following: line 8

Insert: "Multidistrict Cooperatives is contingent on passage and approval of Senate Bill No. 329. Advancing Agricultural Ed in Montana is contingent on passage and approval of House Bill No. 611."

75. Page E-5, line 22.

Strike: "427,117	426,752"	[general fund FY 2012 and FY 2013]
Insert: "444,245	443,981"	[general fund FY 2012 and FY 2013]
Strike: "20,886	21,175"	[state special fund FY 2012 and FY 2013]
Insert: "3,758	3,946"	[state special fund FY 2012 and FY 2013]

76. Page E-9, line 9.

Strike: "11,901,940	12,149,860"	[general fund FY 2012 and FY 2013]
Insert: "9,901,940	10,149,860"	[general fund FY 2012 and FY 2013]
Strike: "1,066,239	1,066,239"	[federal special fund FY 2012 and FY 2013]
Insert: "3,066,239	3,066,239"	[federal special fund FY 2012 and FY 2013]

77. Page E-10, line 4.

Strike: "11,805,424	11,856,141"	[general fund FY 2012 and FY 2013]
Insert: "12,455,424	12,506,141"	[general fund FY 2012 and FY 2013]

78. Page E-10, line 12.

Strike: "2,756,185	2,757,538"	[general fund FY 2012 and FY 2013]
Insert: "3,356,185	3,357,538"	[general fund FY 2012 and FY 2013]

79. Page E-10.

Following: line 15

Insert: "g. Educational Units (Restricted/Biennial/OTO)	4,855,152	4,380,153"	[general fund FY 2012 and FY 2013]
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Insert: "h. MUS Research (Restricted/Biennial/OTO)

1,500,000	2,000,000"	[general fund FY 2012 and FY 2013]
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Insert: "i. PBS (Restricted)

150,000	150,000"	[general fund FY 2012 and FY 2013]
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April 22, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 100, "**AN ACT PROVIDING FOR FISCAL NOTES THAT INCLUDE BUSINESS IMPACT STATEMENTS; AND AMENDING SECTION 5-4-203, MCA**" for the following reasons.

My amendments speak for themselves. House Bill 100 was touted by Republican leadership this session as one of ten bills that will bring jobs to Montana. My amendments are simple. They ask the Department of Labor and Industry to report to the Governor's Office of Economic Development and to the Legislative Finance Committee on a biannual basis the number of jobs that have been created in Montana as a result of the bill's passage.

I trust the Legislature will be as interested as the rest of Montana in knowing the answer to this question. I ask for your support of my amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 100
April 28, 2011

Governor's recommendations for amendments to **House Bill 100** (reference copy -- salmon) are as follows:

1. Title, page 1, line 5.

Following: "STATEMENTS;"

Insert: "ESTABLISHING TEMPORARY REPORTING REQUIREMENTS;"

2. Page 2.

Following: line 12

Insert: "NEW SECTION. Section 3. Reporting requirements. (1) On or before September 1, 2012, April 1, 2013, September 1, 2013, April 1, 2014, and September 1, 2014, the department of labor and industry shall report on the number of jobs that have been created in Montana as a result of passage of [this act] to:

- (a) the governor's office of economic development; and
- (b) the legislative finance committee.

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

(2) If requested, the governor's office of economic development shall assist the department of labor and industry in preparing the report."

Renumber: subsequent section

April 21, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 310, **"AN ACT REVISING THE LAWS RELATING TO INITIATIVES AND REFERENDA; REQUIRING STATEMENTS ON PETITIONS FOR INITIATIVES AND REFERENDA AND ON THE BALLOT THAT CLEARLY INDICATE THAT A "YES" VOTE SUPPORTS A BALLOT ISSUE AND THAT A "NO" VOTE OPPOSES A BALLOT ISSUE; REQUIRING A SINGLE STATEMENT OF PURPOSE AND IMPLICATION; AMENDING SECTIONS 13-27-202, 13-27-204, 13-27-205, 13-27-206, 13-27-207, 13-27-312, 13-27-315, AND 13-27-501, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"** for the following reasons.

My amendments change the effective date of HB 310 to occur after the 2012 elections.

As HB 310 is currently written, all legislative referenda passed by the 62nd Legislature must contain the current statutory format offering the voter "FOR" and "AGAINST" statements, while any citizen proposed initiatives and constitutional amendments for the 2012 ballot must utilize a new format ("YES" or "NO" options, without statements) proposed in this legislation. I believe that two different sets of language for ballot issues on the 2012 ballot could prove confusing to voters. Therefore, I propose amending HB 310 with a later effective date. This will ensure that all ballot measures use uniform language and format in all elections henceforth.

I ask for your support of my amendments.
Sincerely,

BRIAN SCHWEITZER
Governor

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 310
April 26, 2011

Governor's recommendations for amendments to **House Bill 310** (reference copy -- salmon) are as follows:

1. Title, line 12 through line 13.

Strike: "AN" on line 12 through "APPLICABILITY" on line 13

Insert: "A DELAYED EFFECTIVE"

2. Page 9, line 28 through page 10, line 2.

Strike: sections 9 and 10 in their entirety

Insert: "NEW SECTION. **Section 9. Effective date.** [This act] is effective January 1, 2013."

April 21, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 533, "**AN ACT GENERALLY REVISING STATE LAND MINE LEASING LAWS; CLARIFYING LIMITATIONS ON LEASING; CLARIFYING THE LEASING PROCEDURES FOR COAL MINING LEASES; ALLOWING THE BOARD OF LAND COMMISSIONERS THE DISCRETION IN DEMANDING A SURETY BOND; PROVIDING AN EXCEPTION TO THE DURATION OF A LEASE IF THE LEASE OR PERMIT IS CHALLENGED; DEFINING CERTAIN TERMS; CLARIFYING RENTAL TERMS; AMENDING SECTIONS 77-3-305, 77-3-312, 77-3-313, 77-3-314, AND 77-3-316, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE**" for the following reasons.

My amendments speak for themselves. House Bill 533 was touted by Republican leadership this session as one of ten bills that will bring jobs to Montana. My amendments are simple. They ask the Department of Labor and Industry to report to the Governor's Office of Economic

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Development and to the Revenue and Transportation Committee on a quarterly basis the number of jobs that have been created in Montana as a result of the bill's passage.

I trust the Legislature will be as interested as the rest of Montana in knowing the answer to this question. I ask for your support of my amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 533
April 26, 2011

Governor's recommendations for amendments to **House Bill 533** (reference copy -- salmon) are as follows:

1. Title, page 1, line 8.

Following: "TERMS;"

Insert: "ESTABLISHING TEMPORARY REPORTING REQUIREMENTS;"

2. Page 3.

Following: line 23

Insert: "NEW SECTION. Section 6. Reporting requirements. (1) On or before September 1, 2011, January 1, 2012, April 1, 2012, June 1, 2012, September 1, 2012, and January 1, 2013, the department of labor and industry shall report on the number of jobs that have been created in Montana as a result of passage of [this act] to:

(a) the governor's office of economic development; and

(b) the environmental quality council.

(2) If requested, the governor's office of economic development shall assist the department of labor and industry in preparing the report."

Renumber: subsequent sections

April 22, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 551, "**AN ACT PROVIDING FOR A HIGH-DEDUCTIBLE HEALTH PLAN WITH A FEDERALLY QUALIFIED HEALTH SAVINGS ACCOUNT FOR COVERED INDIVIDUALS IN THE STATE EMPLOYEE GROUP BENEFIT PLAN; AND PROVIDING A DELAYED EFFECTIVE DATE**" for the following reasons.

My proposed amendments to HB 551 offer the Department of Administration (DOA) the discretion to offer a high-deductible health insurance plan to state employees, rather than mandate such a plan be offered, as provided in the bill. The DOA has considered offering a high-deductible plan to state employees and would continue to consider this option irrespective of the bill. However, mandating that this option be offered would require legislation in the future, if it were determined that such a plan was not in the best interest of the State or its employees.

I respectfully ask for your support of my amendments.
Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 551
April 28, 2011

Governor's recommendations for amendments to **House Bill 551** (reference copy -- salmon) are as follows:

1. Title, line 4.

Strike: "PROVIDING FOR"

Insert: "AUTHORIZING THE DEPARTMENT OF ADMINISTRATION TO OFFER"

2. Page 1, line 12.

Strike: "shall"

Insert: "may"

3. Page 1, line 14.

Following: "limitations of"

Strike: "the"

Insert: "a"

Following: "plan"

Insert: "offered under this section"

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

4. Page 1, line 16.

Strike: "The department"

Insert: "If the department offers a high-deductible plan under subsection (1), it"

April 22, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 219, **"AN ACT INCREASING THE DEDUCTION ALLOWED UNDER THE INDIVIDUAL INCOME TAX FOR FEDERAL INCOME TAXES PAID BEGINNING IN TAX YEAR 2015; PROVIDING AN INFLATION ADJUSTMENT FOR THE DEDUCTION OF FEDERAL INCOME TAXES PAID BEGINNING IN TAX YEAR 2016; AMENDING SECTION 15-30-2131, MCA; AND PROVIDING AN APPLICABILITY DATE"** for the following reasons.

House Bill 219 leaves out more than 75% of Montana taxpayers -- ordinary, hard-working Montanans mostly earning less than \$65,000 a year -- from the tax breaks the bill provides. Instead, 80% of the tax benefits contained in HB 219 would go to those in higher income brackets. The bill also creates long-term fiscal problems, which is why, in 2003, the Executive and Legislature agreed not to index the federal tax deduction for inflation. The cost of HB 219 is estimated to more than triple in five years—from \$2.868 million in FY 2016 to \$9.432 million in FY 2021.

When I sent you my amendatory veto to HB 219, I notified the Legislature of my objections and sought to correct the long-term fiscal imbalance the bill would create, but the Legislature has seen fit to reject my proposed amendments.

On grounds of fairness to Montana taxpayers and fiscal responsibility, I have vetoed the bill and ask for your support in sustaining my veto.

Sincerely,

BRIAN SCHWEITZER
Governor

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

April 23, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 341, **"AN ACT REVISING THE INTEREST THAT MAY BE AWARDED ON CIVIL JUDGMENTS; CLARIFYING THAT THE CHANGE IN RATE DOES NOT APPLY TO SITUATIONS OTHER THAN CIVIL JUDGMENTS; AMENDING SECTIONS 25-9-205 AND 27-1-210, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE"** for the following reasons.

Montana statute establishes interest payments on judgments in civil cases at 10%. House Bill 341 seeks to establish a two-tiered system for interest, so that for actions for a recovery on an injury (injuries to the person and to property), the interest rate would fluctuate based on the prime rate published by the federal reserve system on the date of judgment, but for all other actions (unless specified by a controlling contract), the interest rate would remain at the current statutory rate of 10% without any rational basis for the distinction.

I believe HB 341 is unnecessary, unnecessarily complicated, and inequitable. I respectfully ask for your support in sustaining my veto.

Sincerely,
BRIAN SCHWEITZER
Governor

April 22, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 388, "**AN ACT REVISING THE PROCEDURES AND STANDARDS FOR MAKING BUDGET COMPARISONS; AND AMENDING SECTION 17-7-151, MCA**" for the following reasons.

Codification of HB 388 is unnecessary because members of the Legislature already have access to all of the information requested within the bill. The Legislative Fiscal Division provides the information required by HB 388 and posts it on-line in Volume 1 - Statewide Perspectives of the Legislative Budget Analysis. During the House Appropriations hearing on HB 388, the Principal Fiscal Analyst of the Legislative Fiscal Division stated the following: "I'm sure all of you are familiar with volume one of our budget analysis. If you turn to page 72 through 76, the exact information that is requested in this bill is contained in this document. It takes about eight hours of man-hour time to produce that information."

I ask for your support in sustaining my veto of the bill.

Sincerely,

BRIAN SCHWEITZER
Governor

April 23, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 483, "**AN ACT GENERALLY REVISING CAMPAIGN FINANCE LAWS; REVISING REPORTING PROVISIONS APPLICABLE TO CHURCHES IN**

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

ISSUE AND BALLOT ISSUE CAMPAIGNS TO CONFORM WITH COURT DECISIONS PROTECTING THE FREE EXERCISE OF RELIGION AS GUARANTEED BY THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION AND ARTICLE II, SECTION 5, OF THE MONTANA CONSTITUTION; REVISING DEFINITIONS RELATED TO EXPENDITURES AND CONTRIBUTIONS; PROHIBITING RULES THAT WOULD REQUIRE THE REPORTING OF INCIDENTAL CONTRIBUTIONS OR EXPENDITURES IN ISSUE AND BALLOT ISSUE CAMPAIGNS; AMENDING SECTIONS 13-1-101 AND 13-37-226, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE" for the following reasons.

Like all organizations, churches may advocate to their members about ballot issues and political candidates without the need to file any paperwork with the Office of Political Practices (OPP). And like all organizations, churches that engage in this type of advocacy with an audience outside of their membership must file campaign finance disclosures with OPP.

Unfortunately, however, HB 483 attempts to create a new category of unregulated political activity that churches -- but no other organization -- may engage in. At a time when unregulated money is exerting undue influence on our political system, I do not believe that we should be loosening campaign laws in this way.

House Bill 483 was ostensibly drafted as a response to a Ninth Circuit decision in a case involving the Canyon Ferry Road Baptist Church in East Helena, in which the Church was cited by the OPP for not reporting small expenditures (such as making a few copies on a copy machine) in the course of advocating to its congregation for the passage of a ballot measure. Indeed, the title of HB 483 states that its purpose is to revise Montana law "to conform with court decisions protecting the free exercise of religion."

Unfortunately, this bill does no such thing. Contrary to the bill's title, the Court's decision had nothing to do with the free exercise of religion. The Ninth Circuit ruling simply held that no organization -- regardless of the organization's status -- should be required to report tiny, insignificant spending as political activity. In the Court's view, to require such reporting "impermissibly infringe[d] on the Church's free speech rights" and, for this reason, Montana's reporting requirements were "unconstitutional as applied to the Church's de minimis activities" under the particular facts of the case. *Canyon Ferry Baptist Church of East Helena v. Unsworth*, 556 F.3d 1021, 1034 (9th Cir. 2009). Indeed, the Ninth Circuit expressly disavowed that its ruling was based on religious freedom, stating that because the case was decided on free speech issues, it was "unnecessary . . . to address the Church's additional challenges based on First Amendment rights of association and free exercise of religion." *Id.* at 1028, n.9.

The Legislature certainly could codify this Ninth Circuit ruling, as it often codifies court decisions, and I would have no objection. Instead, under the guise of codifying the Ninth Circuit ruling, HB 483 opens the door to allow churches to engage in any political activity that occurs "in the normal course of exercising its freedom of religious expression" without having to report its actions. Under HB 483, a church could fundraise, spend money, and communicate with audiences well outside its membership without having to report those activities. Not only would

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

this create the potential for the unreported flow of money in pursuit of ballot initiatives and political campaigns, it also would sow confusion and invite litigation by adopting a new rule under the First Amendment to churches, alone, that no court has ever endorsed.

Montana law should not be in the business of drawing lines to favor some organizations' political activities over others. When any organization, even a church, starts electioneering beyond its membership, voters have a right to know the identity of the organization. Churches are already protected by the Ninth Circuit's decision, and the Commissioner of Political Practices is under order from that Court to allow churches and other organizations to make de minimis expenditures without having to report them if the reporting requirement would create a burden on freedom of speech.

I am an ardent advocate of the First Amendment, encompassing both freedom of speech and religious freedom. I also am an ardent advocate of fair campaign practices and disclosure laws. It is for these reasons that I have issued my veto of HB 483.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 645, introduced by Stahl, referred to Appropriations.

HB 646, introduced by Stahl, Priest, referred to Appropriations.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative K. Peterson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 27 - Representative Hunter moved **SJR 27** be concurred in. Motion carried as follows:
Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Warburton,

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Washburn, Williams, Wilmer, Mr. Speaker.

Total 62

Nays: B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Harris, Howard, Kennedy, Kerns, Knox, Knudsen, Loney, Miller, More, O'Neil, Osmundson, Peterson, Read, Regier, Roberts, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Welborn, Yates.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 30 - Representative Read moved **SJR 30** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Connell, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Mr. Speaker.

Total 56

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Randall, Regier, Rosendale, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 526 - Senate Amendments - Representative Edmunds moved Senate amendments to **HB 526** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton,

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Washburn, Welborn, Mr. Speaker.

Total 66

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 29 - Representative Wagner moved **SJR 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.

Total 83

Nays: Arntzen, B. Beck, Brodehl, Burnett, Esp, Greef, Hale, Hansen, Harris, Howard, McNutt, Roberts, Rosendale, Small, Vance, Welborn, Yates.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

Chairman K. Peterson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt,

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 89

Nays: B. Bennett, Hill, MacDonald, McClafferty, Noonan, Pease-Lopez, Reinhart, Squires.
Total 8

Excused: Evans, Hands.
Total 2

Absent or not voting: Kennedy.
Total 1

MOTIONS

Representative Burnett moved to override the governor's veto on **HB 307**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 70

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hill, Hiner, Hollenbaugh, Hunter, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 28

Excused: Evans, Hands.
Total 2

Absent or not voting: None.
Total 0

Representative Hiner moved to reconsider action taken previously on **HB 13** and place it on the second agenda today.

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Motion carried as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 59

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Edmunds, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Kennedy, Kerns, Knox, Knudsen, Loney, More, O'Neil, Osmundson, Peterson, Randall, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton.

Total 39

Excused: Evans, Hands.

Total 2

Absent or not voting: None.

Total 0

Representative Howard moved to override the governor's veto on **HB 483**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: Evans, Hands.

Total 2

Absent or not voting: Kennedy.

Total 1

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative K. Peterson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 122 - Free Conference Committee Report No. 1 - Representative Malek moved the Free Conference Committee report to **HB 122** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: B. Bennett, Brodehl, Esp, Greef, Howard, Stahl.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 423 - Free Conference Committee Report No. 2 - Representative Berry moved the Free Conference Committee report to **SB 423** be adopted.

SB 423 - Representative Stahl moved for cloture.

SB 423 - Free Conference Committee Report No. 2 - Representative Berry moved the Free Conference Committee report to **SB 423** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, O'Hara, Osmundson,

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Pease-Lopez, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Skattum, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 72

Nays: Barrett, Belcourt, B. Bennett, Driscoll, Furey, Hands, Harris, Hill, Hollenbaugh, Hunter, Kennedy, Kerns, Malek, McClafferty, Miller, Noonan, O'Neil, Peterson, Phillips, Price, Reinhart, Sands, Sesso, Skees, Squires, Swanson, Williams, Wilmer.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman K. Peterson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: Barrett, Belcourt, B. Bennett, Boland, Furey, Hill, Malek, McClafferty, Miller, Noonan, Pease-Lopez, Phillips, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson.

Total 18

Excused: Evans, Hands.

Total 2

Absent or not voting: Esp, Kennedy, McNally.

Total 3

House Recessed.

House Reconvened.

Representative Skattum presented a slide show presentation of the 62nd Legislature.

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 375**
Report No. 1, April 26, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 375** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 375** (reference copy -- salmon) be amended as follows:

1. Page 1, line 18.

Strike: "1.258%"

Insert: "1.369%"

For the House:
McNutt, Chair
Cook

For the Senate:
Ripley, Vice Chair
Brown
Keane

FREE CONFERENCE COMMITTEE
on **House Bill 612**
Report No. 1, April 26, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 612** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 612** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6.

Strike: "PREMIUM" through "AND" on line 6

2. Title, page 1, line 8 through line 9.

Strike: "LIMITING" on line 8 through "PROGRAM;" on line 9

3. Title, page 1, line 11.

Strike: "53-6-101,"

4. Page 4, line 17 through line 23.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

5. Page 5, line 6.

Strike: "(7)"

Insert: "(6)"

6. Page 8, line 5 through page 11, line 2.

Strike: section 3 in its entirety

Renumber: subsequent sections

For the House:

Roberts, Chair

Esp

Sesso

For the Senate:

Lewis, Vice Chair

Hamlett

Priest

FREE CONFERENCE COMMITTEE

on **Senate Bill 372**

Report No. 1, April 26, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 372** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 372** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 10.

Following: "PROGRAM,"

Insert: "TO COUNTY SCHOOL RETIREMENT AND COUNTY TRANSPORTATION
REIMBURSEMENT,"

2. Title, page 1, line 14.

Following: "17-7-502,"

Insert: "20-9-501,"

Strike: "AND"

Following: "20-9-630,"

Insert: "AND 20-10-146,"

Following: "~~IMMEDIATE~~"

Insert: "AN"

3. Title, page 1, line 15.

Strike: "DATES"

Insert: "DATE,"

Strike: "AND"

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

4. Page 11, line 4.

Following: "section"

Insert: ", the amounts determined under [section 3(2)] for local governments,"

Strike: "and"

5. Page 11, line 5.

Following: "(8)"

Insert: ", and the amounts determined under [section 3(4)] for tax increment financing districts"

6. Page 11, line 8.

Strike: "The"

Insert: "Except for the distribution made under [section 3(2)(b)], the"

7. Page 12, line 18.

Strike: "If"

Insert: "Except for a tax increment financing district entitled to a reimbursement under [section 3(4)], if"

8. Page 12, line 22.

Strike: "One-half"

Insert: "Except for the reimbursement made under [section 3(4)(b)], one-half"

9. Page 16, line 18.

Following: "school district,"

Insert: "the county retirement fund under 20-9-501, the countywide school transportation reimbursement under 20-10-146,"

10. Page 17, line 5 through line 7.

Strike: subsection (c) in its entirety

11. Page 17, line 13.

Strike: "AUGUST 1"

Insert: "November 30"

12. Page 18, line 2 through line 4.

Strike: subsection (c) in its entirety

13. Page 18, line 11.

Following: "department"

Insert: "of administration"

Strike: "distribute"

Insert: "transfer"

Following: "(5)(b)"

Insert: "from the general fund to the state special revenue fund"

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

14. Page 18, line 13.

Strike: "THE"

Insert: "Beginning in fiscal year 2013, the department of administration shall transfer the"

15. Page 18, line 13 through line 14.

Strike: "ARE" on line 13 through "17-7-502," on line 14

Strike: "DEPARTMENT" through "REGENTS" on line 14

Insert: "state special revenue fund"

16. Page 18.

Following: line 15

Insert: "(6) (a) The office of public instruction shall distribute the reimbursement to the countywide retirement fund under 20-9-501 for fiscal year 2012 and all other fiscal years in which rate reductions occur. One-half of the amount must be distributed in November and the remainder in May.

(b) For fiscal year 2012 and all other fiscal years in which rate reductions occur, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property in the county. By November 30 following each of those fiscal years, the office of public instruction shall distribute the amount determined under this subsection (6)(b) to the countywide retirement fund.

(c) The amounts determined under this subsection (6) are statutorily appropriated, as provided in 17-7-502, from the general fund to the office of public instruction for distribution to the countywide retirement account.

(7) (a) The office of public instruction shall distribute the reimbursement to the county transportation reimbursement under 20-10-146 for fiscal year 2012 and all other fiscal years in which rate reductions occur. The reimbursement must be made at the same time as countywide school transportation block grants are distributed under 20-9-632.

(b) For fiscal year 2012 and all other fiscal years in which rate reductions occur, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property in the county. By November 30 following each of those fiscal years, the office of public instruction shall distribute the amount determined under this subsection (7)(b) to the county transportation reimbursement.

(c) The amounts determined under this subsection (7) are statutorily appropriated, as provided in 17-7-502, from the general fund to the office of public instruction for distribution to the county transportation reimbursement.

17. Page 23.

Following: line 29

Insert: "**Section 8.** Section 20-9-501, MCA, is amended to read:

"20-9-501. Retirement costs and retirement fund. (1) The trustees of a district or the management board of a cooperative employing personnel who are members of the teachers' retirement system or the public employees' retirement system, who are covered by unemployment insurance, or who are covered by any federal social security system requiring employer contributions shall establish a retirement fund for the purposes of budgeting and

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

paying the employer's contributions to the systems as provided in subsection (2)(a). The district's or the cooperative's contribution for each employee who is a member of the teachers' retirement system must be calculated in accordance with Title 19, chapter 20, part 6. The district's or the cooperative's contribution for each employee who is a member of the public employees' retirement system must be calculated in accordance with 19-3-316. The district's or the cooperative's contributions for each employee covered by any federal social security system must be paid in accordance with federal law and regulation. The district's or the cooperative's contribution for each employee who is covered by unemployment insurance must be paid in accordance with Title 39, chapter 51, part 11.

(2) (a) The district or the cooperative shall pay the employer's contributions to the retirement, federal social security, and unemployment insurance systems from the retirement fund for the following:

(i) a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from state or local funding sources;

(ii) a cooperative employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from the cooperative's interlocal cooperative fund if the fund is supported solely from districts' general funds and state special education allowable cost payments, pursuant to 20-9-321, or are paid from the miscellaneous programs fund, provided for in 20-9-507, from money received from the medicaid program, pursuant to 53-6-101;

(iii) a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from the district's school food services fund provided for in 20-10-204;

(iv) a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from the district impact aid fund, pursuant to 20-9-514; and

(v) for the 2011 biennium only, a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are budgeted in the district general fund but are paid from state fiscal stabilization funds received pursuant the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

(b) For an employee whose benefits are not paid from the retirement fund, the district or the cooperative shall pay the employer's contributions to the retirement, federal social security, and unemployment insurance systems from the funding source that pays the employee's salary.

(3) The trustees of a district required to make a contribution to a system referred to in subsection (1) shall include in the retirement fund of the final budget the estimated amount of the employer's contribution. After the final retirement fund budget has been adopted, the trustees shall pay the employer contributions to the systems in accordance with the financial administration provisions of this title.

(4) When the final retirement fund budget has been adopted, the county superintendent shall establish the levy requirement by:

(a) determining the sum of the money available to reduce the retirement fund levy requirement by adding:

(i) any anticipated money that may be realized in the retirement fund during the ensuing school fiscal year;

(ii) oil and natural gas production taxes;

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

(iii) coal gross proceeds taxes under 15-23-703;

(iv) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the retirement fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the retirement fund. The retirement fund operating reserve may not be more than 35% of the final retirement fund budget for the ensuing school fiscal year and must be used for the purpose of paying retirement fund warrants issued by the district under the final retirement fund budget.

(v) property tax reimbursements made pursuant to [section 3(6)];

~~(v)~~(vi) any other revenue anticipated that may be realized in the retirement fund during the ensuing school fiscal year, excluding any guaranteed tax base aid;

(b) notwithstanding the provisions of subsection (9), subtracting the money available for reduction of the levy requirement, as determined in subsection (4)(a), from the budgeted amount for expenditures in the final retirement fund budget.

(5) The county superintendent shall:

(a) total the net retirement fund levy requirements separately for all elementary school districts, all high school districts, and all community college districts of the county, including any prorated joint district or special education cooperative agreement levy requirements; and

(b) report each levy requirement to the county commissioners on the fourth Monday of August as the respective county levy requirements for elementary district, high school district, and community college district retirement funds.

(6) The county commissioners shall fix and set the county levy or district levy in accordance with 20-9-142.

(7) The net retirement fund levy requirement for a joint elementary district or a joint high school district must be prorated to each county in which a part of the district is located in the same proportion as the district ANB of the joint district is distributed by pupil residence in each county. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county as provided in 20-9-151.

(8) The net retirement fund levy requirement for districts that are members of special education cooperative agreements must be prorated to each county in which the district is located in the same proportion as the special education cooperative budget is prorated to the member school districts. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county in the same manner as provided in 20-9-151, and the county commissioners shall fix and levy the net retirement fund levy for each county in the same manner as provided in 20-9-152.

(9) The county superintendent shall calculate the number of mills to be levied on the taxable property in the county to finance the retirement fund net levy requirement by dividing the amount determined in subsection (5)(a) by the sum of:

(a) the amount of guaranteed tax base aid that the county will receive for each mill levied, as certified by the superintendent of public instruction; and

(b) the taxable valuation of the district divided by 1,000.

(10) The levy for a community college district may be applied only to property within the district.

(11) The county superintendent of each county shall submit a report of the revenue amounts used to establish the levy requirements for county school funds supporting elementary and high school district retirement obligations to the superintendent of public instruction not later than the second Monday in September. The report must be completed on forms supplied

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

by the superintendent of public instruction.""

Renumber: subsequent sections

18. Page 25.

Following: line 15

Insert: "Section 10. Section 20-10-146, MCA, is amended to read:

"20-10-146. County transportation reimbursement. (1) The apportionment of the county transportation reimbursement by the county superintendent for school bus transportation or individual transportation that is actually rendered by a district in accordance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction must be the same as the state transportation reimbursement payment, except that:

(a) if any cash was used to reduce the budgeted county transportation reimbursement under the provisions of 20-10-144(2)(b), the annual apportionment is limited to the budget amount;

(b) when the county transportation reimbursement for a school bus has been prorated between two or more counties because the school bus is conveying pupils of more than one district located in the counties, the apportionment of the county transportation reimbursement must be adjusted to pay the amount computed under the proration; and

(c) when county transportation reimbursement is required under the mandatory attendance agreement provisions of 20-5-321.

(2) The county transportation net levy requirement for the financing of the county transportation fund reimbursements to districts is computed by:

(a) totaling the net requirement for all districts of the county, including reimbursements to a special education cooperative or prorated reimbursements to joint districts or reimbursements under the mandatory attendance agreement provisions of 20-5-321;

(b) determining the sum of the money available to reduce the county transportation net levy requirement by adding:

(i) anticipated money that may be realized in the county transportation fund during the ensuing school fiscal year;

(ii) oil and natural gas production taxes;

(iii) anticipated local government severance tax payments for calendar year 1995 production;

(iv) coal gross proceeds taxes under 15-23-703;

(v) countywide school transportation block grants distributed under 20-9-632;

(vi) any fund balance available for reappropriation from the end-of-the-year fund balance in the county transportation fund;

(vii) federal forest reserve funds allocated under the provisions of 17-3-213; ~~and~~

(viii) property tax reimbursements made pursuant to [section 3(7)]; and

~~(viii)~~(ix) other revenue anticipated that may be realized in the county transportation fund during the ensuing school fiscal year; and

(c) subtracting the money available, as determined in subsection (2)(b), to reduce the levy requirement from the county transportation net levy requirement.

(3) The net levy requirement determined in subsection (2)(c) must be reported to the county commissioners on the fourth Monday of August by the county superintendent, and a levy

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

must be set by the county commissioners in accordance with 20-9-142.

(4) The county superintendent of each county shall submit a report of the revenue amounts used to establish the levy requirements to the superintendent of public instruction not later than the second Monday in September. The report must be completed on forms supplied by the superintendent of public instruction.

(5) The county superintendent shall apportion the county transportation reimbursement from the proceeds of the county transportation fund. The county superintendent shall order the county treasurer to make the apportionments in accordance with 20-9-212(2) and after the receipt of the semiannual state transportation reimbursement payments.""

Renumber: subsequent sections

19. Page 25, line 24 through line 26.

Strike: section 11 in its entirety

20. Page 25.

Following: line 26

"COORDINATION SECTION. **Section 13. Coordination instruction.** If both Senate Bill No. 329 and [this act] are passed and approved and if both contain a section that amends 20-9-630, then the sections amending 20-9-630 are void and 20-9-630 must be amended as follows:

"20-9-630. School district block grants. (1) (a) The office of public instruction shall provide a block grant to each school district based on:

(i) the revenue received by each district in fiscal year 2001 from vehicle taxes and fees, corporate license taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999; and

(ii) any reimbursement to be made to a school district pursuant to subsection (2).

(b) Block grants must be calculated using the electronic reporting system that is used by the office of public instruction and school districts. The electronic reporting system must be used to allocate the block grant amount into each district's budget as an anticipated revenue source by fund.

~~(c) With the exception of vehicle taxes and fees, the office of public instruction shall use the amount actually received from the sources listed in subsection (1)(a) in fiscal year 2001 in its calculation of the block grant for fiscal year 2002 budgeting purposes. For vehicle taxes and fees, the office of public instruction shall use 93.4% of the amount actually received in fiscal year 2001 in calculating the block grant for fiscal year 2002.~~

~~(2) If the fiscal year 2003 appropriation provided in section 248(1), Chapter 574, Laws of 2001, is insufficient to fund the school district block grants in fiscal year 2003 at the fiscal year 2002 level, the office of public instruction shall prorate the block grants to meet the remaining appropriation. School districts shall anticipate the prorated block grant amounts provided by the office of public instruction in their budgets for fiscal year 2003.~~

(2) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section, the office of public instruction shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to block grant distributions under this section. Except for the reimbursement made under [section 3(3)(b) of Senate Bill No. 372],

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

the total of reimbursement distributions made pursuant to this subsection in a fiscal year must be added to all other distributions to the school district in the fiscal year to determine the distribution for the subsequent fiscal year.

(3) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

(4) (a) The block grant for the district general fund is equal to the ~~average~~ amount received in fiscal ~~years 2002 and 2003~~ year 2011 by the district general fund from the block grants provided for in subsection (1) and the amount received by the district general fund under subsection (2), except the amount received under [section 3(3)(b) of Senate Bill No. 372]. ~~The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.~~

(b) The block grant for the district transportation fund is equal to ~~one-half of the average~~ amount received in fiscal ~~years 2002 and 2003~~ year 2011 by the district transportation fund from the block grants provided for in subsection (1) and the amount received by the district transportation fund under subsection (2), except the amount received under [section 3(3)(b) of Senate Bill No. 372]. ~~The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.~~

(c) (i) The combined fund block grant is equal to the ~~average~~ amount received in fiscal ~~years 2002 and 2003~~ by the district tuition, bus depreciation reserve, building reserve, nonoperating, and adult education funds from the block grants provided for in subsection (1). ~~The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year~~ year 2011 and the amount received under subsection (2), except the amount received under [section 3(3)(b) of Senate Bill No. 372].

(ii) The school district may deposit the combined fund block grant into any budgeted fund of the district."

Insert: "COORDINATION SECTION. Section 14. Coordination instruction. If both House Bill No. 2 and [this act] are passed and approved, then:

(1) the general fund appropriation for BASE aid in House Bill No. 2 of \$526,495,288 is decreased by \$1,803,873 in fiscal year 2013;

(2) the general fund appropriation for HB 124 Block Grants in House Bill No. 2 of \$52,150,510 is increased by \$6,444,852 in fiscal year 2013; and

(3) [section 3(3)(c), (6)(c), and (7)(c) and section 7 of this act] are void."

Renumber: subsequent sections

21. Page 26, line 2 through line 3.

Strike: "DATES" on line 2

Insert: "date"

Strike: "(1)" on line 2

Strike: "EXCEPT" on line 2 through "ACT]" on line 3

Insert: "[This act]"

22. Page 26, line 4.

Strike: "(2)" through "2011."

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

23. Page 26.

Following: line 7

Insert: "NEW SECTION. Section 18. Termination. [Section 3(3)(c), (6)(c), and (7)(c) and section 7] terminate June 30, 2013."

For the Senate:
Tutvedt, Chair
Lake

For the House:
Blasdel, Vice Chair
Lavin

MESSAGES FROM THE SENATE

Governor's amendments to Senate bills concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/26/2011

SB 36, introduced by Hamlett

SB 305, introduced by Jackson

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

4/26/2011

HB 627, introduced by G. Bennett

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments:

4/26/2011

HJR 13, introduced by Hansen

House amendments to Senate joint resolutions concurred in:

4/26/2011

SJR 15, introduced by Tutvedt

SJR 20, introduced by Wittich

Free Conference Committee Report No.1 adopted:

4/26/2011

SB 348, introduced by De. Barrett

Conference Committee Report No.1 adopted:

4/26/2011

SB 97, introduced by Shockley

SB 338, introduced by Arthun

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative K. Peterson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 439 - Senate Amendments - Representative Hollenbaugh moved Senate amendments to **HB 439** be concurred in.

Representative Hollenbaugh rose on a point of personal privilege to correct a financial figure he had previously given.

HB 439 - Representative Stahl moved for cloture. Motion carried.

HB 439 - Senate Amendments - Representative Hollenbaugh moved Senate amendments to **HB 439** be concurred in.

Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Connell, Cook, Court, Driscoll, Edmunds, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Yates.
Total 57

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Cuffe, Ehli, Esp, Evans, Flynn, Hale, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Mr. Speaker.
Total 43

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 94 - Representative Hoven moved **SB 94** be concurred in.

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

SB 94 - Representative Blasdel moved **SB 94**, second reading copy, be amended as follows:

1. Title, page 1, line 10.

Strike: "IMMEDIATE" through "RETROACTIVE"

2. Page 3, line 22.

Strike: "2010"

Insert: "2011"

3. Page 3, line 23.

Strike: "2010"

Insert: "2011"

4. Page 4, line 4.

Strike: section 4 in its entirety

Renumber: subsequent section

5. Page 4, line 6.

Strike: "Retroactive applicability"

Insert: "Applicability"

6. Page 4, line 6 through line 7.

Strike: "retroactively" on line 6 through "1-2-109," on line 7

Strike: "2010" on line 7

Insert: "2011"

Amendment adopted as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn.

Total 58

Nays: Ankney, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates, Mr. Speaker.

Total 42

Excused: None.

Total 0

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Absent or not voting: None.

Total 0

SB 94 - Representative Miller moved **SB 94**, second reading copy, be further amended as follows:

1. Page 2, line 14.

Strike: "Ireland,"

Amendment **not** adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Evans, Fitzpatrick, Greef, Hale, Hansen, Harris, Hendrick, Howard, Kary, Kerns, Knox, Knudsen, Lavin, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn.

Total 44

Nays: Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Cook, Court, Driscoll, Ehli, Esp, Flynn, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kennedy, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 94 - Representative Hoven moved **SB 94**, as amended, be concurred in. Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates, Mr. Speaker.

Total 37

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon,

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn.
Total 63

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 13 - Representative Hiner moved **HB 13** do pass.

HB 13 - Representative Hiner moved **HB 13**, second reading copy, be amended as follows:

1. Title, line 9.

Following: "INITIATIVE;"

Insert: "PROVIDING THAT THE SALARY INCREASES AND APPROPRIATIONS ARE CONTINGENT ON A CERTIFICATION OF GENERAL FUND REVENUE BY THE DEPARTMENT OF ADMINISTRATION;"

2. Title, page 10.

Strike: "AN"

Strike: "DATE"

Insert: "DATES"

3. Page 1, line 14.

Following: line 13

Insert: "NEW SECTION. Section 1. Certification. (1) By August 1, 2011, the department of administration shall certify to the budget director the amount of unaudited general fund revenue and transfers into the general fund received in fiscal year 2011 as recorded when the fiscal year 2011 statewide accounting, budgeting, and human resource system records are closed in July 2011, adjusted for any known material misstatements. General fund revenue and transfers into the general fund are those recorded in the statewide accounting, budgeting, and human resource system using generally accepted accounting principles in accordance with 17-1-102(2).

(2) If the certified unaudited general fund revenue and transfers into the general fund received in fiscal year 2011, adjusted for any known material misstatements as provided in subsection (1), exceed the revenue and transportation interim committee's estimate, as introduced in the 2011 legislature, of \$1,672,133,000, plus prior fiscal year revenue of \$750,000, by at least \$35,000,000, then the department of administration shall certify to the budget director the difference between \$1,672,133,000, plus prior fiscal year revenue of \$750,000, and the certified unaudited general fund revenue and transfers into the general fund received in fiscal year 2011 adjusted for any known material misstatements as provided in subsection (1). The certification must be provided no later than August 1, 2011.

(3) The department of administration shall notify the code commissioner and the

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

legislative fiscal analyst of the occurrence of any certification and the date of the occurrence."

Renumber: subsequent sections

4. Page 6, line 3.

Strike: "date"

Insert: "dates -- contingency"

Strike: "[This act]"

Insert: "(1) Except as provided in subsection (2), [this act],"

5. Page 6, line 4.

Following: line 3

Insert: "(2) [Sections 2 and 5] are effective only if the department of administration certifies that unaudited general fund revenue and transfers into the general fund received in fiscal year 2011 exceed the revenue and transportation interim committee's estimate, as introduced in the 2011 legislature, of \$1,672,133,000, plus prior fiscal year revenue of \$750,000, by at least \$35,000,000 as provided in [section 1]."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, G. Bennett, Berry, Boland, Clark, Cook, Court, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Taylor, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 66

Nays: B. Beck, B. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Driscoll, Esp, Greef, Hale, Hansen, Harris, Kerns, Knox, Knudsen, MacLaren, More, O'Neil, Osmundson, Randall, Read, Regier, Roberts, Rosendale, Skattum, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn.

Total 32

Excused: None.

Total 0

Absent or not voting: Kennedy, Small.

Total 2

HB 13 - Representative Hiner moved **HB 13**, as amended, do pass. Motion **failed** as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates. Total 42

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.
Total 58

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 315 - Representative McGillvray moved consideration of **SB 315** be passed for the day.
Motion carried.

SB 106 - Governor's Amendments - Representative Kerns moved Governor's amendments to **SB 106** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 33

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 125 - Governor's Amendments - Representative C. Smith moved Governor's amendments to **SB 125** be **not** concurred in. Motion carried as follows:
Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson,

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 229 - Governor's Amendments - Representative Hendrick moved Governor's amendments to **SB 229** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: Read.

Total 1

SB 277 - Governor's Amendments - Representative Welborn moved Governor's amendments to **SB 277** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton,

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 71

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Wilmer.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 356 - Governor's Amendments - Representative Flynn moved Governor's amendments to **SB 356** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 366 - Governor's Amendments - Representative Skattum moved Governor's amendments to **SB 366** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl,

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman K. Peterson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 30

Excused: Evans, Hands.

Total 2

Absent or not voting: None.

Total 0

House Recessed.

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

House Reconvened.

Roll Call. All members present, except Representatives Evans and Hands, excused. Quorum present.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **Senate Bill 426**

Report No. 1, April 26, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 426** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 426** (reference copy -- salmon) be amended as follows:

1. Page 1, line 30.

Strike: "of the excess revenue BALANCE"

Insert: "to be refunded"

2. Page 2, line 1 through line 2.

Following: "to" on line 1

Insert: "total"

Strike: "collections" on line 1

Insert: "that was assessed, other than local option vehicle tax under 61-3-537,"

Following: "and" on line 1

Insert: "total"

Strike: "FROM MONTANA RESIDENTS" on lines 1 and 2

Insert: "for the same fiscal year as the general fund balance"

3. Page 2, line 4.

Following: "taxes"

Insert: "paid"

4. Page 2, line 5.

Strike: "for the property tax year beginning"

5. Page 2, line 7 through line 8.

Strike: "total" on line 7 through "calendar" on line 8

Insert: "the individual's total property taxes paid on the principal residence in the prior"

6. Page 2, line 10.

Following: "paid"

Insert: "in Montana individual income taxes"

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

7. Page 2, line 11.

Strike: "on Montana source income"

8. Page 2, lines 13 and 14.

Strike: "total" on line 13 through "previous calendar" on line 14

Insert: "the individual's income taxes paid in the prior"

9. Page 2, line 22.

Following: "section,"

Insert: "the following definitions apply: (a) "Budgeted general fund balance" is a projected general fund balance calculated by the legislative fiscal analyst by August 1 for each fiscal year. In determining the projected general fund balance, the legislative fiscal analyst shall use the appropriate fiscal year amounts as utilized by the legislature in developing the biennial budget. The fiscal year amounts are anticipated revenues and transfers that include the impacts of enacted legislation, established level of appropriations and transfers, anticipated supplemental appropriations, and anticipated reversions. To calculate the projected balance, the legislative fiscal analyst shall add the unassigned fund balance from the most recent completed fiscal year plus the anticipated revenues and transfers less the level of appropriations and transfers, supplemental appropriations, and anticipated reversions for the most recent completed fiscal year.

(b)"

Strike: ""principal"

Insert: ""Principal"

10. Page 2, line 24.

Following: line 23

Insert: "located in Montana and"

Following: "and"

Insert: "includes"

11. Page 3, line 10.

Strike: "a refund"

Insert: "refunds"

12. Page 3, line 13.

Strike: "a refund"

Insert: "refunds"

For the Senate:
Balyeat, Chair
Hamlett
Lake

For the House:
Miller, Vice Chair
Randall

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

MESSAGES FROM THE SENATE

Governor's amendments to Senate bills not concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/26/2011

SB 35, introduced by Hamlett

SB 108, introduced by De. Barrett

SB 136, introduced by Balyeat

SB 312, introduced by Vincent

April 26, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 494, "**AN ACT REVISING PROVISIONS GOVERNING EXEMPTION FROM SUBDIVISION REVIEW FOR THE SALE, RENT, LEASE, OR OTHER CONVEYANCES OF BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS; AMENDING SECTION 76-3-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

House Bill 494 would permit the sale, rent, or lease of one or more parts of one or more buildings, structures, or other improvements, whether they are existing or proposed, on a parcel of land without any review or approval by a local government under the provisions of the Montana Subdivision and Platting Act.

I have proposed amendments to HB 494 to accomplish five things.

The first amendment eliminates the provision in the bill that would permit the sale or conveyance of multiple buildings, structures, or improvements on a single tract of record without subdivision review. Exempting such sales or conveyances to different individuals would constitute defacto divisions of land that effectively would swallow the entire Subdivision and Platting Act. My understanding is that the intent of HB 494 is to provide property owners with the ability to earn additional income through rent or lease, not to circumvent the Act in its entirety. The ability to legally transfer undivided interests within a single property can only be

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

achieved through the subdivision of a tract of record to create condominiums or through the use of the exemption for condominiums found under § 76-3-203, MCA. Therefore, the ability to sell or otherwise convey buildings, structures and improvements should be removed from the bill.

The second amendment limits the exemption for renting or leasing to a maximum of four buildings, structures, or improvements. Placing this "sideboard" on the exemption will accomplish the primary objective of the bill without jeopardizing the ability of local governments to provide services and protect public health and safety. Currently, the bill would permit an unlimited number of buildings, structures, or improvements upon a tract of record without any local government review or approval. Permitting this unlimited development would be contrary to the purposes of the Montana Subdivision and Platting Act, as codified at § 76-3-102, MCA.

The third amendment deletes the section of HB 494 discussing the applicability of zoning regulations to the exemption established under the bill. Zoning regulations apply independent of subdivision regulations or exemptions to subdivision regulations addressed in the bill. Therefore, the language I propose to delete has no effect anyway and is unnecessarily confusing.

The fourth amendment grandfathers youth camps, as defined in § 50-52-101, MCA, that are under construction or already in operation, into the exemption provided under § 76-3-204, MCA. The amendment also clarifies that youth camps that only lease or rent their property as camps are not subject to subdivision review.

The final amendment would "grandfather" in existing buildings, structures, or improvements that are currently being rented or leased and those under construction as of the Act's effective date. This step will provide predictability to those individuals who have previously invested time and money into their rental and lease developments and those who are currently in the process of doing so.

To that end, I believe my amendments are good for the residents of Montana and keep control of land use issues in the hands of local governments. I have discussed these amendments with the sponsor, Representative Edmunds, and he has indicated his support. I ask for your support of the amendments, as well.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 494
April 26, 2011

Governor's recommendations for amendments to **House Bill 494** (reference copy -- salmon) are as follows:

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

1. Title, line 5.

Following: "THE"

Strike: "SALE,"

Following: "RENT"

Strike: ", "

Insert: "OR"

Following: "LEASE"

Strike: ", OR OTHER CONVEYANCES"

2. Title, line 6.

Following: "IMPROVEMENTS;"

Insert: "EXEMPTING YOUTH CAMPS FROM SUBDIVISION REVIEW;"

3. Title, line 7.

Following: "DATE"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

4. Page 1, line 12.

Strike: "conveyances"

Insert: "rent or lease"

5. Page 1, line 13.

Strike: "(1)" through "sale,"

Insert: "The"

Following: "rent"

Strike: ", "

Insert: "or"

Strike: ", or other conveyance"

6. Page 1, line 14.

Strike: "one or more"

Insert: "up to four"

7. Page 1, line 18 through line 19.

Strike: line 18 through line 19

8. Page 1, line 20.

"NEW SECTION. Section 2. Exemption for youth camps. A youth camp, as defined in 50-52-101, is not subject to the requirements of this chapter."

Insert: "NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 76, chapter 3, part 2, and the provisions of Title 76, chapter 3, part 2, apply to [section 2]."

Renumber: subsequent section

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

9. Page 1, line 22.

Insert: "NEW SECTION. Section 5. Retroactive applicability. (1) [Section 1] applies retroactively, within the meaning of 1-2-109, to the rent or lease of one or more parts of buildings, structures, or other improvements existing or under construction prior to [the effective date of this act].

(2) [Section 2] applies retroactively, within the meaning of 1-2-109, to youth camps under construction or in operation prior to [the effective date of this act]."

MOTIONS

Representative McGillvray moved to suspend the rules and accept the **SB 108** and place it on second reading today for consideration of the governor's amendments.

Representative McGillvray moved to suspend the rules and accept the **SB 136** and place it on second reading today for consideration of the governor's amendments.

Representative McGillvray moved to suspend the rules and accept the **SB 312** and place it on second reading today for consideration of the governor's amendments.

Representative McGillvray moved to suspend the rules and accept the **SB 35** and place it on second reading today for consideration of the governor's amendments.

Representative Sesso questioned the reason for the suspension of the rules.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative K. Peterson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 108 - Governor's Amendments - Representative Vance moved Governor's amendments to **SB 108** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees,

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton,
Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: Pease-Lopez.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 136 - Governor's Amendments - Representative Wilmer moved Governor's amendments to **SB 136** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: O'Neil.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 312 - Governor's Amendments - Representative G. Bennett moved Governor's amendments to **SB 312** be concurred in.

Representative McClafferty rose on a point of personal privilege to request that the members are given full information before bills are voted on.

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: Barrett, Court, McClafferty, Williams.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 35 - Governor's Amendments - Representative McNutt moved Governor's amendments to **SB 35** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

HB 2 - Governor's Amendments - Representative McNutt moved Governor's amendments to **HB 2** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Kary, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, O'Hara, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Small, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 54

Nays: Barrett, Belcourt, B. Bennett, Boland, Burnett, Court, Driscoll, Furey, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Ingraham, Kennedy, Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 100 - Governor's Amendments - Representative Vance moved Governor's amendments to **HB 100** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: More, Phillips.

Total 2

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

HB 310 - Governor's Amendments - Representative Blyton moved Governor's amendments to **HB 310** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Loney, More, O'Neil, Warburton.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 533 - Governor's Amendments - Representative Berry moved Governor's amendments to **HB 533** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Barrett, Burnett, Court, Hale, Hansen, More, Randall, Warburton.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

HB 551 - Governor's Amendments - Representative Flynn moved Governor's amendments to **HB 551** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 265 - Free Conference Committee Report No. 1 - Representative Lavin moved the Free Conference Committee report to **SB 265** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 72

Nays: Blasdel, Brodehl, Burnett, Edmunds, Evans, Hale, Harris, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, Miller, More, O'Neil, Randall, Read, Regier, Rosendale, Skattum, C. Smith, Taylor, Wagner, Warburton.

Total 27

Excused: None.

Total 0

Absent or not voting: Wilmer.

Total 1

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

HB 612 - Free Conference Committee Report No. 1 - Representative Roberts moved the Free Conference Committee report to **HB 612** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Belcourt, Court, Hands, MacDonald, Malek, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 13 - Senate Amendments - Representative Hansen moved Senate amendments to **HJR 13** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 67

Nays: Belcourt, B. Bennett, Boland, Court, Esp, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, Skees, F. Smith, Swanson, Williams, Wilmer, Yates.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

HB 627 - Senate Amendments - Representative G. Bennett moved Senate amendments to **HB 627** be concurred in.

Representative MacDonald rose on a point of order to make note of the deadline for amendments to referenda

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Warburton, Williams, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: Peterson.

Total 1

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman K. Peterson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

Excused: Evans, Hands.

Total 2

Absent or not voting: Stahl.

Total 1

MESSAGES FROM THE SENATE

SB 156 - The Senate failed to concur in House amendments to **SB 156**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 156**:

4/26/2011

Senator Priest, Chair
Senator Ripley
Senator Windy Boy

SB 35 - The Senate failed to concur in House amendments to **SB 35**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 35**:

4/26/2011

Senator Vincent, Chair
Senator Hamlett
Senator Ripley

SB 312 - The Senate failed to concur in House amendments to **SB 312**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 312**:

4/26/2011

Senator Vincent, Chair
Senator Keane
Senator Mowbray

SB 136 - The Senate failed to concur in House amendments to **SB 136**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 136**:

4/26/2011

Senator Balyeat, Chair
Senator Hinkle
Senator Vuckovich

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

SB 108 - The Senate failed to concur in House amendments to **SB 108**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 108**:

4/26/2011

Senator De. Barrett, Chair
Senator Augare
Senator Tutvedt

MOTIONS

Representative McGillvray moved to accede to the request of the Senate and appoint a **Free** Conference Committee on **SB 312**. Motion Carried. Speaker Milburn appointed:

4/26/2011

Representative Belcourt
Representative Ankney
Representative G. Bennett

Representative McGillvray moved to accede to the request of the Senate and appoint a **Free** Conference Committee on **SB 35**. Motion Carried. Speaker Milburn appointed:

4/26/2011

Representative McNutt
Representative G. Bennett
Representative Reinhart

Representative McGillvray moved to accede to the request of the Senate and appoint a Conference Committee on **SB 136**. Motion Carried. Speaker Milburn appointed:

4/26/2011

Representative Kennedy
Representative Knudsen
Representative Phillips

Representative McGillvray moved to accede to the request of the Senate and appoint a Conference Committee on **SB 108**. Motion Carried. Speaker Milburn appointed:

4/26/2011

Representative Welborn
Representative Cuffe
Representative Wilmer

HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 26, 2011

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Wednesday, April 27, 2011. Motion carried.

House adjourned at 5:54 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
EIGHTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
April 27, 2011

House Chambers
State Capitol

House convened at 8:07 a.m. Mr. Speaker in the Chair. Invocation by Representative O'Hara. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Evans, Hands, and McNiven, excused. Quorum present.

BILLS (O'Hara, Chairman):

4/27/2011

Delivered to the Governor for approval at 11:07 a.m., April 27, 2011: **HB 59, HB 416.**

Delivered to the Governor for approval at 9:55 a.m., April 27, 2011: **HB 43.**

Delivered to the Governor for approval at 11:08 a.m., April 27, 2011: **HB 106, HB 186, HB 283, HB 370, HB 518, HB 543.**

Delivered to the Secretary of State at 12:10 p.m., April 27, 2011: **HJR 8.**

Delivered to the Secretary of State at 5:00 p.m., April 27, 2011: **HB 3, HB 15.**

Correctly engrossed: **SB 315, SJR 28.**

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the sixty-eighth, sixty-ninth, seventieth, seventy-first, seventy-second, seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, and seventy-eighth legislative days, find the same to be correct.

Representative O'Hara, Chair

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **House Bill 316**

Report No. 1, April 26, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 316** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 316** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 13.

Following: "TAXES;"

Insert: "REVISING THE ALLOCATION OF METALLIFEROUS MINES LICENSE TAXES;"

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

2. Title, page 1, line 20.

Following: "~~TAXES;~~"

Insert: "REVISING THE ALLOCATION OF THE LODGING FACILITY USE TAX;"

3. Title, page 1, line 27 through line 28.

Strike: "LIMITING" through "TAXES;"

4. Title, page 1, line 30.

Following: "~~15-37-117;~~"

Insert: "15-37-117,"

5. Title, page 2, line 1.

Following: "~~16-11-119;~~"

Insert: "15-65-121,"

6. Title, page 2, line 3.

Strike: "AN"

7. Title, page 2, line 4.

Strike: "DATE" through "DATE"

Insert: "DATES AND TERMINATION DATES"

8. Page 8, line 25.

Insert: "**Section 3.** Section 15-37-117, MCA, is amended to read:

"15-37-117. Disposition of metalliferous mines license taxes. (1) Metalliferous mines license taxes collected under the provisions of this part must, in accordance with the provisions of 17-2-124, be allocated as follows:

(a) to the credit of the general fund of the state, ~~57%~~ 60.45% of total collections each year;

(b) to the state special revenue fund to the credit of a hard-rock mining impact trust account, ~~2.5%~~ 2.25% of total collections each year;

(c) to the hard-rock mining reclamation debt service fund established in 82-4-312, 8.5% of total collections each year;

(d) to the natural resources operations state special revenue account established in 15-38-301, ~~7%~~ 6.3% of total collections each year; and

(e) within 60 days of the date the tax is payable pursuant to 15-37-105, to the county or counties identified as experiencing fiscal and economic impacts, resulting in increased employment or local government costs, under an impact plan for a large-scale mineral development prepared and approved pursuant to 90-6-307, in direct proportion to the fiscal and economic impacts determined in the plan or, if an impact plan has not been prepared, to the county in which the mine is located, ~~25%~~ 22.5% of total collections each year, to be allocated by the county commissioners as follows:

(i) not less than 37.5% to the county hard-rock mine trust account established in 7-6-2225; and

(ii) all money not allocated to the account pursuant to subsection (1)(e)(i) to be further allocated as follows:

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

(A) 33 1/3% is allocated to the county for general planning functions or economic development activities as described in 7-6-2225(3)(c) through (3)(e);

(B) 33 1/3% is allocated to the elementary school districts within the county that have been affected by the development or operation of the metal mine; and

(C) 33 1/3% is allocated to the high school districts within the county that have been affected by the development or operation of the metal mine.

(2) When an impact plan for a large-scale mineral development approved pursuant to 90-6-307 identifies a jurisdictional revenue disparity, the county shall distribute the proceeds allocated under subsection (1)(e) in a manner similar to that provided for property tax sharing under Title 90, chapter 6, part 4.

(3) The department shall return to the county in which metals are produced the tax collections allocated under subsection (1)(e). The allocation to the county described by subsection (1)(e) is a statutory appropriation pursuant to 17-7-502."

Renumber: subsequent sections

9. Page 20, line 14.

Insert: "Section 6. Section 15-65-121, MCA, is amended to read:

"15-65-121. Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (1)(a) through ~~(1)(e)~~ (1)(f) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The amount of ~~\$400,000~~ \$360,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004, and the amount of \$40,000 each year must be deposited in the state general fund. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies, ~~or deposited in the heritage preservation and development account, or deposited in the state general fund under this section~~ is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

(a) ~~4%~~ 0.9% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) ~~2.5%~~ 2.25% to the university system for the establishment and maintenance of a Montana travel research program;

(c) ~~6.5%~~ 5.85% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) ~~67.5%~~ 60.75% to be used directly by the department of commerce; ~~and~~

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

(e) (i) except as provided in subsection (1)(e)(ii), ~~22.5%~~ 20.25% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if ~~22.5%~~ 20.25% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds ~~\$35,000~~ \$31,500, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district; and

(f) the remainder to be deposited in the state general fund.

(2) If a city, consolidated city-county, resort area, or resort area district qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.""

Renumber: subsequent sections

10. Page 20, line 27 through page 21, line 10.

Strike: section 6 in its entirety

Renumber: subsequent sections

11. Page 39, line 6 through line 7.

Strike: section 12 in its entirety

Renumber: subsequent sections

12. Page 39, line 8.

Insert: "COORDINATION SECTION. Section 13. Coordination instruction. If House Bill No. 477 and [this act] are both passed and approved and if both of these bills contain a section that amends 15-65-121, then the sections amending 15-65-121 are void and 15-65-121 must be amended as follows:

"15-65-121. Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections ~~(1)(a)~~ (2)(a) through ~~(1)(e)~~ (2)(g) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The amount

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

of ~~\$400,000~~ \$360,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004, and the amount of \$40,000 each year must be deposited in the state general fund.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies, ~~or deposited in the heritage preservation and development account, or deposited in the state general fund under this section is statutorily appropriated, as provided in 17-7-502,~~ and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

(a) ~~4%~~ 0.9% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) ~~2.5%~~ 2.25% to the university system for the establishment and maintenance of a Montana travel research program;

(c) ~~6.5%~~ 5.85% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) ~~67.5%~~ 58.41% to be used directly by the department of commerce; ~~and~~

(e) (i) except as provided in subsection ~~(1)(e)(ii)~~ (2)(e)(ii), ~~22.5%~~ 20.25% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if ~~22.5%~~ 20.25% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds ~~\$35,000~~ \$31,500, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;

(f) 2.34% to the Montana historical interpretation state special revenue account established in [section 1 of House Bill No. 477]; and

(g) the remainder to be deposited in the general fund.

~~(2)(3)~~ If a city, consolidated city-county, resort area, or resort area district qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

~~(3)(4)~~ If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(e) are statutorily appropriated to the entities as provided in 17-7-502.

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

(6) The tax proceeds received that are transferred to the Montana historical interpretation state special revenue account pursuant to subsection (2)(f) are subject to appropriation by the legislature."

Insert: "COORDINATION SECTION. Section 14. Coordination instruction. If House Bill No. 477 and [this act] are both passed and approved and if both of these bills contain a section that amends 15-65-121, then the sections amending 15-65-121 are void and 15-65-121 must be amended as follows:

"15-65-121. Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections ~~(1)(a)~~ (2)(a) through ~~(1)(e)~~ (2)(f) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The amount of \$400,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies, or deposited in the heritage preservation and development account ~~is statutorily appropriated, as provided in 17-7-502, and~~ must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) ~~67.5%~~ 64.9% to be used directly by the department of commerce; ~~and~~

(e) (i) except as provided in subsection ~~(1)(e)(ii)~~ (2)(e)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district; and

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

(f) 2.6% to the Montana historical interpretation state special revenue account established in [section 1 of House Bill No. 477].

~~(2)~~(3) If a city, consolidated city-county, resort area, or resort area district qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

~~(3)~~(4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(e) are statutorily appropriated to the entities as provided in 17-7-502.

(6) The tax proceeds received that are transferred to the Montana historical interpretation state special revenue account pursuant to subsection (2)(f) are subject to appropriation by the legislature."

{Internal References to 15-65-121:

15-65-122x 15-65-131x 15-65-131x 17-7-502x }

Renumber: subsequent sections

13. Page 39, line 13.

Strike: "date"

Insert: "dates"

Strike: "[This act] "

Insert: "(1) Except as provided in subsection (2), [this act]"

14. Page 39, line 14.

Following: line 13

Insert: "(2) The amendments to 15-65-121 contained in [section 14] are effective July 1, 2014."

15. Page 39, line 15 through 16.

Strike: "EXCEPT" on page 39, line 15 through "TERMINATES" on line 16

Insert: "[Sections 1, 2, 4, 5, and 7 through 12] terminate"

16. Page 39, line 17.

Strike: "[SECTION 6] TERMINATES"

Insert: "[Sections 3 and 6 and the amendments to 15-65-121 contained in section 13] terminate"

For the House:

McNutt, Chair

Esp

For the Senate:

Lewis, Vice Chair

Zinke

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

FREE CONFERENCE COMMITTEE
on House Bill 611
Report No. 1, April 27, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 611** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 611** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 4.

Strike: "VARIOUS"

2. Title, page 1, line 5.

Strike: "TO" through "ACT"

3. Title, page 1, line 6 through line 8.

Strike: "PROVIDING" on page 1, line 6 through "PAYMENT;" on line 8

4. Title, page 1, line 10.

Following: "COMMERCE;"

Insert: "REVISING THE USE OF THE RESEARCH AND COMMERCIALIZATION ACCOUNT TO INCLUDE THE DEPARTMENT OF AGRICULTURE;"

5. Title, page 1, line 10 and 11.

Strike: "1" on line 10 through "20-9-516;" on line 11

Following: "90-1-203;"

Insert: "AND 90-3-1003,"

6. Page 2, line 5 through page 5, line 17.

Strike: section 2 through section 3 in their entirety

Renumber: subsequent sections

7. Page 6, line 28.

Insert: "Section 2. Section 90-3-1003, MCA, is amended to read:

"90-3-1003. Research and commercialization account -- use. (1) The research and commercialization account provided for in 90-3-1002 is statutorily appropriated, as provided in 17-7-502, to the board of research and commercialization technology, provided for in 2-15-1819, for the purposes provided in this section.

(2) The establishment of the account in 90-3-1002 is intended to enhance the economic growth opportunities for Montana and constitute a public purpose.

(3) The account may be used only for:

(a) loans that are to be used for research and commercialization projects to be conducted at research and commercialization centers located in Montana;

(b) grants that are to be used for production agriculture research, development, and

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

commercialization projects, clean coal research and development projects, or renewable resource research and development projects to be conducted at research and commercialization centers located in Montana;

(c) matching funds for grants from nonstate sources that are to be used for research and commercialization projects to be conducted at research and commercialization centers located in Montana; or

~~(d) the Montana food and agricultural development program provided for in 80-11-901; or~~
(e) administrative costs that are incurred by the board in carrying out the provisions of this part.

(4) At least 20% \$195,000 of the account funds ~~approved for research and commercialization projects~~ must be ~~directed~~ distributed on an annual basis to the department of agriculture to support and administer the Montana food and agricultural development program provided for in 80-11-901 toward projects that enhance production agriculture.

(5) (a) At least 30% of the account funds approved for research and commercialization projects must be directed toward projects that enhance clean coal research and development or renewable resource research and development.

(b) If the board is not in receipt of a qualified application for a project to enhance clean coal research and development or renewable resource research and development, subsection (5)(a) does not apply.

(6) An applicant for a grant shall provide matching funds from nonstate sources equal to 25% of total project costs. The requirement to provide matching funds is a qualifier, but not a criterion, for approval of a grant.

(7) The board shall establish policies, procedures, and criteria that achieve the objectives in its research and commercialization strategic plan for the awarding of grants and loans. The criteria must include:

(a) the project's potential to diversify or add value to a traditional basic industry of the state's economy;

(b) whether the project shows promise for enhancing technology-based sectors of Montana's economy or promise for commercial development of discoveries;

(c) whether the project employs or otherwise takes advantage of existing research and commercialization strengths within the state's public university and private research establishment;

(d) whether the project involves a realistic and achievable research project design;

(e) whether the project develops or employs an innovative technology;

(f) verification that the project activity is located within the state;

(g) whether the project's research team possesses sufficient expertise in the appropriate technology area to complete the research objective of the project;

(h) verification that the project was awarded based on its scientific merits, following review by a recognized federal agency, philanthropic foundation, or other private funding source; and

(i) whether the project includes research opportunities for students.

(8) The board shall direct the state treasurer to distribute funds for approved projects. Unallocated interest and earnings from the account must be retained in the account. Repayments of loans and any agreements authorizing the board to take a financial right to licensing or royalty fees paid in connection with the transfer of technology from a research and commercialization center to another nonstate organization or ownership of corporate stock in a private sector organization must be deposited in the account.

(9) The board shall refer grant applications to external peer review groups. The board shall

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

compile a list of persons willing to serve on peer review groups for purposes of this section. The peer review group shall review the application and make a recommendation to the board as to whether the application for a grant should be approved. The board shall review the recommendation of the peer review group and either approve or deny a grant application.

(10) The board shall identify whether a grant or loan is to be used for basic research, applied research, or some combination of both. For the purposes of this section, "applied research" means research that is conducted to attain a specific benefit or solve a practical problem and "basic research" means research that is conducted to uncover the basic function or mechanism of a scientific question.

(11) For the purposes of this section:

(a) "clean coal research and development" means research and development of projects that would advance the efficiency, environmental performance, and cost-competitiveness of using coal as an energy source well beyond the current level of technology used in commercial service;

(b) "renewable resource research and development" means research and development that would advance:

(i) the use of any of the sources of energy listed in 69-3-2003(10) to produce electricity; and

(ii) the efficiency, environmental performance, and cost-competitiveness of using renewable resources as an energy source well beyond the current level of technology used in commercial service.""

Renumber: subsequent sections

8. Page 6, line 29 through line 30.

Strike: section 4 in its entirety

For the House:
McGillvray, Chair
Esp
Mehlhoff

For the Senate:
Ripley, Vice Chair
Jones

MESSAGES FROM THE SENATE

Free Conference Committee Report No.1 **not** adopted:

4/26/2011

SB 265, introduced by Hamlett

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 30 concurred in as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Roberts,

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Mr. Speaker.

Total 53

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Randall, Regier, Reichner, Rosendale, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 439 failed (due to 2/3 vote requirement) as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Edmunds, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Yates.

Total 62

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Ehli, Esp, Evans, Flynn, Hale, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, More, O'Neil, Osmundson, Randall, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Mr. Speaker.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 526 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum,

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 66

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 423 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hiner, Hollandsworth, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, O'Hara, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Skattum, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 70

Nays: Barrett, Belcourt, B. Bennett, Driscoll, Evans, Furey, Hands, Harris, Hill, Hollenbaugh, Howard, Kerns, Malek, McClafferty, Miller, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Sesso, Skees, Small, Squires, Swanson, Williams, Wilmer.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 27 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt,

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Sesso, F. Smith, Squires, Stahl, Swanson, Warburton, Williams, Wilmer, Mr. Speaker.

Total 61

Nays: B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Harris, Howard, Kennedy, Kerns, Knox, Knudsen, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Read, Regier, Roberts, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Washburn, Welborn, Yates.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 29 concurred in as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Flynn, Furey, Gibson, Hale, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Salomon, Sands, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.

Total 78

Nays: Arntzen, B. Beck, Brodehl, Burnett, Connell, Esp, Fitzpatrick, Greef, Hansen, Harris, Kerns, More, Noonan, Roberts, Rosendale, Schmidt, Sesso, Small, Vance, Welborn, Yates.

Total 21

Excused: None.

Total 0

Absent or not voting: Hollenbaugh.

Total 1

HB 2 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Small, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 55

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Burnett, Court, Driscoll, Furey, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Wagner, Williams, Wilmer.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 100 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 74

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hollenbaugh, MacDonald, Malek, McClafferty, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 310 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires,

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates,
Mr. Speaker.
Total 99

Nays: Hollenbaugh.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 533 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl,
Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn,
Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard,
Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney,
McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil,
Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale,
Salomon, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton,
Washburn, Welborn, Yates, Mr. Speaker.
Total 78

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hill, Hollenbaugh, Hunter, MacDonald, Malek,
McClafferty, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Williams,
Wilmer.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 612 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,
Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp,
Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner,
Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock,
Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray,
McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson,
Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon,

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 95

Nays: Boland, Malek, Noonan, Pease-Lopez, Wagner.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 627 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 13 adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Evans, Flynn, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Williams, Wilmer, Mr. Speaker.
Total 59

Nays: Belcourt, B. Bennett, Boland, Connell, Court, Driscoll, Esp, Fitzpatrick, Furey, Gibson, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Loney, MacDonald, Malek, McChesney, McClafferty, McNally,

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Yates.
Total 41

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 265 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Mr. Speaker.
Total 63

Nays: Blasdel, Brodehl, Burnett, Cuffe, Edmunds, Esp, Evans, Flynn, Greef, Hale, Harris, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Rosendale, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates.
Total 37

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 122 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 82

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Nays: B. Bennett, Brodehl, Esp, Greef, Hale, Howard, Kennedy, Kerns, Knox, Loney, Miller, More, O'Neil, Salomon, Skattum, C. Smith, Vance, Wagner.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 28 - Representative Reichner moved **SJR 28** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Ehli, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Ingraham, Kary, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.

Total 53

Nays: Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Connell, Court, Driscoll, Edmunds, Esp, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Kennedy, Kerns, Klock, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Regier, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer, Yates.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

SB 36 - Governor's Amendments - Representative K. Peterson moved Governor's amendments to **SB 36** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: B. Bennett, Boland, Flynn, Gibson, Hale, Hill, Klock, MacLaren, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Sesso, Swanson.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 305 - Governor's Amendments - Representative Regier moved Governor's amendments to **SB 305** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Burnett, Knudsen, Randall, Read, Taylor.

Total 5

Excused: None.

Total 0

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Absent or not voting: None.

Total 0

SB 279 - Governor's Amendments - Representative Regier moved Governor's amendments to **SB 279** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Barrett, Belcourt, Driscoll.

Total 3

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 494 - Governor's Amendments - Representative Edmunds moved Governor's amendments to **HB 494** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, B. Bennett, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, McGillvray, McNiven, McNutt, Mehlhoff, More, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 60

Nays: Bangerter, Barrett, Belcourt, Berry, Boland, Connell, Cook, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Menahan, Miller, Noonan, O'Hara, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.

Total 40

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 315 - Representative Salomon moved **SB 315** be concurred in. Motion carried as follows:

Yeas: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 51

Nays: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Cuffe, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Klock, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 375 - Free Conference Committee Report No. 1 - Representative Cook moved the Free Conference Committee report to **HB 375** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

SB 372 - Free Conference Committee Report No. 1 - Representative Blasdel moved the Free Conference Committee report to **SB 372** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 426 - Free Conference Committee Report No. 1 - Representative McGillvray moved the Free Conference Committee report to **SB 426** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith,

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.

Total 31

Excused: Evans, Hands, McNiven.

Total 3

Absent or not voting: Hollenbaugh.

Total 1

Representative Warburton introduced the pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman):

4/27/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 5:00 p.m., Wednesday, April 20, 2011:

TITLE

NAME

Pages:

Justin Miller, Florence
Bailey Kennedy, Laurel

STATE INTERNET/BBS COPY

23

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Holly Galen, Big Timber
Erika Davies, Lolo
Ellery Luikens, Kalispell

and recommend that the following attaches of the House be employed as of 8:00 a.m., Tuesday, April 26, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Zach Johnson, Helena Caleb Metroka, Helena Hunter Feiss, Helena Carlton Michel, East Helena

Report Adopted.

House Recessed.
House Reconvened.

Representative Sesso introduced Joanne Skipper with Big Brothers, Big Sisters. She presented the First Place Trophy from the House and Senate Basketball Team to Representatives Sesso and Hendrick for the House of Representatives.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 35**
Report No. 01, April 27, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 35** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 35** (reference copy -- salmon) be amended as follows:

1. Page 1, line 22.

Following: "met;"

Insert: "and"

2. Page 1, line 23 through line 28.

Strike: line 23 through line 28 in their entirety

3. Page 1, line 29.

Strike: "(e)"

Insert: "(c)"

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

4. Page 1, line 30 through page 2, line 1.

Strike: "; and" on page 1, line 30 through "time" on page 2, line 1

5. Page 2, line 2.

Strike: "historic and future"

Insert: "process for the"

6. Page 2, line 4.

Following: line 3

Insert: "(3) Nothing in [sections 1 through 9] diminishes the state's ownership of the beds of navigable rivers, streams, or lakes under any other law."

7. Page 2, line 5.

Strike: "For"

Insert: "Solely for"

8. Page 2, line 25.

Strike: "deemed"

Insert: "determined to be"

9. Page 3, line 4.

Strike: "deemed"

Insert: "determined to be"

10. Page 3, line 17 through line 18.

Strike: "The authorization" on line 17 through "met." on line 18

11. Page 4, line 2.

Strike: "deemed"

Insert: "determined to be"

12. Page 4, line 8.

Following: line 7

Insert: "(11) The provisions of this section do not restrict the power of the board to seek adjudication of title pursuant to 77-1-105."

13. Page 4, line 16.

Strike: "deemed"

Insert: "determined to be"

14. Page 5, line 7.

Following: "relocate"

Insert: "or increase the size of"

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

15. Page 5, line 10.

Following: "relocated"

Insert: "or increased in size"

16. Page 5, line 11.

Strike: "The"

Insert: "Without prior board approval, the"

17. Page 5, line 12.

Following: "may"

Insert: "relocate or"

Following: "if the"

Insert: "relocation or"

18. Page 5, line 13.

Following: "granted"

Strike: "and if"

Insert: ". If the footprint is increased in size,"

Strike: "pays"

Insert: "shall pay"

19. Page 5, line 14.

Strike: "has"

Insert: "shall obtain"

20. Page 5, line 24 through line 25.

Strike: "for water" on line 24 through "water right" on line 25

21. Page 5, line 25.

Following: "relocate"

Insert: "or increase the size of"

For the Senate:

Vincent, Chair

Hamlett

Ripley

For the House:

McNutt, Vice Chair

G. Bennett

Reinhart

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 136**
Report No. 1, April 27, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 136** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

And, recommend that **Senate Bill 136** (reference copy -- salmon) be amended as follows:

1. Page 7, line 20.

Strike: "twice"

Insert: "four times"

For the Senate:

Balyeat, Chair
Hinkle
Vuckovich

For the House:

Kennedy, Vice Chair
Knudsen
Phillips

FREE CONFERENCE COMMITTEE
on **Senate Bill 312**
Report No. 1, April 27, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 312** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 312** (reference copy -- salmon) be amended as follows:

1. Page 18, line 29.

Strike: "50"

Insert: "25"

For the Senate:

Vincent, Chair
Keane
Mowbray

For the House:

Belcourt, Vice Chair
Ankney
G. Bennett

FREE CONFERENCE COMMITTEE
on **Senate Bill 329**
Report No. 1, April 27, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 329** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 329** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.

Following: "SCHOOLS;"

Insert: "CHANGING THE MONTANA VIRTUAL ACADEMY TO THE MONTANA DIGITAL ACADEMY;"

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

2. Title, page 1, line 25 through line 26.

Strike: "ELIMINATING" on line 25 through "ACCOUNT;" on line 26

3. Title, page 1.

Following: line 26

Insert: "REVISING THE USE OF THE SCHOOL FACILITY AND TECHNOLOGY ACCOUNT;"

4. Title, page 1, line 29.

Following: "FUND;"

Insert: "REQUIRING A SCHOOL DISTRICT TO REPORT BUDGET AMENDMENTS TO THE LEGISLATURE AND THE BOARD OF PUBLIC EDUCATION; LIMITING A SCHOOL DISTRICT'S ENDING FUND BALANCE TO A SPECIFIC PERCENTAGE; PROVIDING AN APPROPRIATION;"

5. Page 1, line 30.

Strike: "17-7-502,"

Following: "20-3-363,"

Insert: "20-7-102, 20-7-1201,"

Following: "20-9-104,"

Insert: "20-9-161,"

6. Title, page 2, line 1.

Strike: "20-9-622,"

Insert: "20-9-516,"

7. Page 2, line 8.

Strike: "7"

Insert: "8"

8. Page 4, line 1.

Strike: "7"

Insert: "8"

9. Page 4, line 21.

Strike: "7"

Insert: "8"

10. Page 4, line 25.

Strike: "7"

Insert: "8"

11. Page 5, line 16 through page 6, line 18.

Strike: section 2 in its entirety

Renumber: subsequent sections

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

12. Page 7, line 20.

Strike: "4"

Insert: "3"

13. Page 7, line 21.

Strike: "5"

Insert: "4"

14. Page 9, line 4.

Insert: "(6) The superintendent of public instruction shall continually enhance the statewide data system to support the collection of data from schools, implement a data collection plan to reduce redundant data requests, increase data use from the centralized system by various functions within the office of public instruction, and promote transparency in reporting to schools, school districts, communities, and the public. Actionable data analysis must be produced to promote academic improvement.

(7) The superintendent of public instruction shall gather, maintain, and distribute longitudinal, actionable data in the following areas:

- (a) statewide student identifier;
- (b) student-level enrollment data, including average daily attendance;
- (c) student-level statewide assessment data;
- (d) information on untested students;
- (e) student-level graduation and dropout data;
- (f) ability to match student-level K-12 and higher education data;
- (g) a statewide data audit system;
- (h) a system to track student achievement with a direct teacher-to-student match to help track, report, and create opportunities for improved individual student performance;
- (i) student-level course completion data, including transcripts, to assess career and college readiness; and
- (j) student-level ACT results, scholastic achievement test results, and advanced placement exam data.

(8) The superintendent of public instruction shall emphasize the creation of and distribution of individual diagnostic data for each student in a manner that is timely and protects the privacy rights of students and families as they relate to education so that school districts may use the data to support timely academic intervention as needed and to otherwise improve the academic achievement of the students of each school district.

(9) On or before June 30, 2013, the superintendent of public instruction shall begin presenting longitudinal data on academic achievement and shall develop plans for a measurement of growth for the statewide student assessment required by the board of public education."

15. Page 9, line 4.

Insert: "**Section 5.** Section 20-7-102, MCA, is amended to read:

"20-7-102. Accreditation of schools. (1) The conditions under which each elementary school, each middle school, each junior high school, 7th and 8th grades funded at high school rates, and each high school operates must be reviewed by the superintendent of public

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

instruction to determine compliance with the standards of accreditation. The accreditation status of each school must then be established by the board of public education upon the recommendation of the superintendent of public instruction. Notification of the accreditation status for the applicable school year or years must be given to each district by the superintendent of public instruction.

(2) A school may be accredited for a period consisting of 1, 2, 3, 4, or 5 school years, except that multiyear accreditation may be granted only to schools that are in compliance with 20-4-101.

(3) A nonpublic school may, through its governing body, request that the board of public education accredit the school. Nonpublic schools may be accredited in the same manner as provided in subsection (1).

(4) As used in this section, "7th and 8th grades funded at high school rates" means an elementary school district or K-12 district elementary program whose 7th and 8th grades are funded as provided in 20-9-306(14)(c)(ii)(14)(a)(iii)(B)."

Insert: "Section 6. Section 20-7-1201, MCA, is amended to read:

"20-7-1201. Montana virtual digital academy -- purposes -- governance. (1) There is a Montana virtual digital academy at a unit of the Montana university system.

(2) The purposes of the Montana virtual digital academy are to:

(a) make distance learning opportunities available to all school-age children through public school districts in the state of Montana;

(b) offer high-quality instructors who are licensed and endorsed in Montana and courses that are in compliance with all relevant education and distance learning rules, standards, and policies; and

(c) emphasize the core subject matters required under the accreditation standards, offer advanced courses for dual credit in collaboration with the Montana university system, and offer enrichment courses.

(3) The Montana virtual digital academy must be governed by a board with equal representation from:

(a) the commissioner of higher education or a designee;

(b) the superintendent of public instruction or a designee;

(c) a Montana-licensed and Montana-endorsed classroom teacher appointed by the board of public education;

(d) a Montana-licensed school district administrator appointed by the board of public education;

(e) a trustee of a Montana school district appointed by the board of public education;

(f) the dean of the school of education of the hosting unit of the Montana university system or a designee as a nonvoting member; and

(g) the two officers provided for in subsection (5) as nonvoting members.

(4) The governing board shall elect a presiding officer and vice presiding officer to 2-year terms without limitation on the number of terms.

(5) The governing board shall hire a program director and a curriculum director who shall serve as chief executive officer and vice chief executive officer respectively on the governing board in a nonvoting capacity. The program director shall develop and, upon approval of the governing board, implement policies and guidelines for the Montana virtual

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

digital academy pertaining to:

- (a) course offerings;
- (b) software and hardware selection;
- (c) instructor selection;
- (d) partnering school agreements;
- (e) instructor training and curriculum development;
- (f) course evaluation;
- (g) grant opportunities; and
- (h) other activities that are essential to the success of a statewide distance learning

program."

Renumber: subsequent sections

16. Page 9, line 27.

Strike: "8"

Insert: "9"

17. Page 9, line 29.

Strike: "9"

Insert: "10"

18. Page 10, line 13.

Strike: "ESTIMATION,"

Following: "ALLOCATION"

Strike: " , "

19. Page 10, line 13 through line 18.

Strike: subsection (1) through subsection (2) in their entirety

Renumber: subsequent subsections

20. Page 10, line 20.

Strike: "150%"

Insert: "130%"

Following: "MAXIMUM"

Strike: "OR ADOPTED"

21. Page 10, line 26.

Strike: "(3)"

Insert: "(1)"

22. Page 10, line 28.

Strike: "(3)"

Insert: "(1)"

Strike: "STATE GENERAL FUND"

Insert: "guarantee account as provided in 20-9-622"

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

23. Page 10, line 29.

Strike: "(3)"

Insert: "(1)"

Following: "SHALL"

Insert: "budget and"

24. Page 11, line 1 through line 3.

Strike: subsections (a) and (b) in their entirety

Insert: "(a) for fiscal year 2012, the trustees shall budget in the general fund an amount of oil and natural gas production taxes equal to the lesser of 25% of the total oil and natural gas production taxes received by the district in the prior year or the general fund levy requirement;

(b) for fiscal year 2013, the trustees shall budget in the general fund an amount of oil and natural gas production taxes equal to the lesser of 35% of the total oil and natural gas production taxes received by the district in the prior year or the general fund levy requirement;

(c) for fiscal year 2014, the trustees shall budget in the general fund an amount of oil and natural gas production taxes equal to the lesser of 45% of the total oil and natural gas production taxes received by the district in the prior year or the general fund levy requirement;

(d) for each succeeding fiscal year, the trustees shall budget in the general fund an amount of oil and natural gas production taxes equal to the lesser of 55% of the total oil and natural gas production taxes received by the district in the prior year or the general fund levy requirement;

(e) oil and natural gas production taxes received by the district must be deposited in the general fund until the budgeted amount is reached; and

(f) all remaining oil and natural gas production tax revenue may be deposited in any budgeted fund.

(6) In any year in which the actual oil and natural gas production taxes received by a school district are less than 50% of the total oil and natural gas production taxes received by the district in the prior year, the district may transfer money from any budgeted fund to its general fund in an amount not to exceed the amount of the shortfall."

Renumber: subsequent subsection

25. Page 11, line 4.

Strike: "JULY 1,"

Insert: "in fiscal year"

26. Page 11, line 5.

Strike: "(3)"

Insert: "(1)"

27. Page 11, line 9.

Strike: "8"

Insert: "9"

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

28. Page 11, line 11.

Strike: "9"

Insert: "10"

29. Page 11, line 15.

Strike: "COUNTIES AND"

30. Page 11, line 16.

Strike: "NEIGHBORING"

Insert: "contiguous"

31. Page 11, line 19.

Strike: "7(5)"

Insert: "8(3)"

Strike: "20-9-104(6)"

Insert: "[section 7]"

32. Page 11, line 20.

Strike: "COUNTY OR"

33. Page 12, line 10.

Strike: "20-9-104(6)"

Insert: "[section 7]"

Strike: "7(5)"

Insert: "8(3)"

34. Page 12, line 12.

Strike: "20-9-104(6)"

Insert: "[section 7]"

Strike: "7(5)"

Insert: "8(3)"

35. Page 13, line 6.

Insert: "**Section 11.** Section 20-9-161, MCA, is amended to read:

"20-9-161. Definition of budget amendment for budgeting purposes. As used in this title, unless the context clearly indicates otherwise, the term "budget amendment" for the purpose of school budgeting means an amendment to an adopted budget of the district for the following reasons:

(1) an increase in the enrollment of an elementary or high school district that is beyond what could reasonably have been anticipated at the time of the adoption of the budget for the current school fiscal year whenever, because of the enrollment increase, the district's budget for any or all of the regularly budgeted funds does not provide sufficient financing to properly maintain and support the district for the entire current school fiscal year;

(2) the destruction or impairment of any school property necessary to the maintenance

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

of the school, by fire, flood, storm, riot, insurrection, or act of God, to an extent rendering school property unfit for its present school use;

(3) a judgment for damages against the district issued by a court after the adoption of the budget for the current year;

(4) an enactment of legislation after the adoption of the budget for the current year that imposes an additional financial obligation on the district;

(5) the receipt of:

(a) a settlement of taxes protested in a prior school fiscal year;

(b) taxes from a prior school fiscal year as the result of a tax audit by the department of revenue or its agents;

(c) delinquent taxes from a prior school fiscal year; and

(d) a determination by the trustees that it is necessary to expend all or a portion of the taxes received under subsection (5)(a), (5)(b), or (5)(c) for a project or projects that were deferred from a previous budget of the district; or

(6) any other unforeseen need of the district that cannot be postponed until the next school year without dire consequences affecting:

(a) the safety of the students and district employees; or (b) the educational functions of the district. Any budget amendment adopted pursuant to this subsection (6)(b) that in combination with other budget amendments within the same school fiscal year exceeds 10% of the district's adopted general fund budget must be reported by the school district to the education and local government interim committee and the board of public education with an explanation of why the budget amendment is necessary."

Renumber: subsequent sections

36. Page 18, line 1.

Following: "(6)"

Insert: "(a)"

37. Page 18, line 2.

Strike: "(a)"

Insert: "(i)"

38. Page 18, line 3.

Strike: "(i)"

Insert: "(A)"

Strike: "\$256,256"

Insert: "\$256,003"

Strike: "and"

39. Page 18, line 4.

Strike: "(ii)"

Insert: "(B)"

Strike: "\$257,870 for each succeeding fiscal year;"

Insert: "\$262,224 for fiscal year 2013; and

(C) except as provided in subsection (6)(b), \$260,099 for each succeeding fiscal year;"

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

40. Page 18, line 5.

Strike: "(b)"

Insert: "(ii)"

41. Page 18, line 7.

Strike: "(i)"

Insert: "(A)"

Strike: "\$23,056"

Insert: "\$23,033"

42. Page 18, line 8.

Strike: "(ii)"

Insert: "(B)"

Strike: "\$23,201 for each succeeding fiscal year; and"

Insert: "\$23,593 for fiscal year 2013; and

(C) except as provided in subsection (6)(b), \$23,402 for each succeeding fiscal year;"

43. Page 18, line 9.

Strike: "(c)"

Insert: "(iii)"

44. Page 18, line 11.

Strike: "(i)"

Insert: "(A)"

45. Page 18, line 12.

Strike: "(A)"

Insert: "(I)"

Strike: "\$23,056"

Insert: "\$23,033"

Strike: "and"

46. Page 18, line 13.

Strike: "(B)"

Insert: "(II)"

Strike: "\$23,201 for each succeeding fiscal year; plus"

Insert: "\$23,593 for fiscal year 2013; and

(III) except as provided in subsection (6)(b), \$23,402 for each succeeding fiscal year; plus"

47. Page 18, line 14.

Strike: "(ii)"

Insert: "(B)"

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

48. Page 18, line 16.

Strike: "(A)"

Insert: "(I)"

Strike: "\$65,295"

Insert: "\$65,231"

Strike: "and"

49. Page 18, line 17.

Strike: "(B)"

Insert: "(II)"

Strike: "\$65,706 for each succeeding fiscal year."

Insert: "\$66,816 for fiscal year 2013; and

(III) except as provided in subsection (6)(b), \$66,275 for each succeeding fiscal year.

(b) If fiscal year 2012 general fund revenue, including transfers in, reflected in the audited comprehensive annual financial report exceeds \$1,766,500,000, then the entitlements for fiscal year 2013 in this subsection (6) are the amounts to be paid for succeeding fiscal years."

50. Page 19, line 8.

Following: "(14)"

Insert: "(a)"

51. Page 19, line 10.

Strike: "(a)"

Insert: "(i)"

Strike: "\$6,349"

Insert: "\$6,343"

52. Page 19, line 11.

Following: "2012"

Insert: ", "

Strike: "and"

Strike: "\$6,389"

Insert: "\$6,497 for fiscal year 2013, and except as provided in subsection (14)(b), \$6,444"

53. Page 19, line 14.

Strike: "(b)"

Insert: "(ii)"

54. Page 19, line 15.

Strike: "\$4,960"

Insert: "\$4,955"

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

55. Page 19, line 16.

Following: "2012"

Insert: ", "

Strike: "and"

Strike: "\$4,991"

Insert: "\$5,075 for fiscal year 2013, and except as provided in subsection (14)(b), \$5,034"

56. Page 19, line 19.

Strike: "(c)"

Insert: "(iii)"

57. Page 19, line 21.

Strike: "(i)"

Insert: "(A)"

Strike: "\$4,960"

Insert: "\$4,955"

Following: "2012"

Insert: ", "

Strike: "and"

Strike: "\$4,991"

Insert: "\$5,075 for fiscal year 2013, and except as provided in subsection (14)(b), \$5,034"

58. Page 19, line 25.

Strike: "(ii)"

Insert: "(B)"

Strike: "\$6,349"

Insert: "\$6,343"

Following: "2012"

Insert: ", "

Strike: "and"

Strike: "\$6,389"

Insert: "\$6,497 for fiscal year 2013, and except as provided in subsection (14)(b), \$6,444"

59. Page 19.

Following: line 28

Insert: "(b) If the fiscal year 2012 general fund revenue, including transfers in, reflected in the audited comprehensive annual financial report exceeds \$1,766,500,000, then the entitlements for fiscal year 2013 in this subsection (14) are the amounts to be paid for succeeding fiscal years."

60. Page 24, line 29.

Insert: "**Section 19.** Section 20-9-516, MCA, is amended to read:

"20-9-516. School facility and technology account. (1) There is a school facility and technology account in the state special revenue fund provided for in 17-2-102. The purpose of

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

the account is to provide money to schools for:

- (a) major deferred maintenance;
- (b) improving energy efficiency in school facilities;
- (c) critical infrastructure in school districts;
- (d) emergency facility needs; ~~and~~
- (e) technological improvements; and
- (f) state reimbursement for school facilities as provided in 20-9-371.

(2) There must be deposited in the account:

(a) an amount of money equal to the income attributable to the difference between the average sale value of 18 million board feet and the total income produced from the annual timber harvest on common school trust lands during the fiscal year;

(b) the mineral royalties transferred from the guarantee account as provided in 20-9-622; and

(c) the rental income received from power site leases as provided in 77-4-208.""

Renumber: subsequent sections

61. Page 24, line 30 through page 25, line 14.

Strike: section 17 in its entirety

Renumber: subsequent sections

62. Page 26, line 9.

Strike: "one-half of"

63. Page 27, line 29.

Insert: "NEW SECTION. Section 22. Ending fund balance limits. (1) Beginning July 1, 2016, the combined ending fund balance for all budgeted funds of a school district may not exceed 300% of the maximum general fund budget. The 300% limit is not applicable to the building reserve fund, the debt service fund, or the bus depreciation reserve fund.

(2) The county superintendent shall, upon completion of a school fiscal year, redistribute any amounts in excess of the 300% limit among any other school districts in the same county whose combined ending fund balance for all budgeted funds included in subsection (1) has not exceeded the 300% limit. The county superintendent shall redistribute funds equally to the school districts qualifying for redistribution on a per-quality-educator basis, calculated by dividing the total funds by the total number of quality educators, as defined in 20-4-502, employed by the qualifying school districts in the county in the immediately preceding school fiscal year. School districts receiving the funds may place the funds in any budgeted fund of the district at the discretion of the board of trustees of each district.

(3) Unless an exception is granted under subsection (5), upon completion of a school fiscal year, a school district with combined ending fund balances in excess of the 300% limit shall cooperate with the county superintendent in effectuating the redistribution of excess funds as provided in subsection (2). A school district may make the payment required under this subsection from any fund or funds of the district other than the debt service fund, the building reserve fund, and the bus depreciation reserve fund.

(4) Any funds that cannot be redistributed within a county without causing a school district in the county to exceed the 300% limit must be remitted by the county treasurer to the

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

state for deposit in the guarantee account provided for in 20-9-622.

(5) In accordance with 20-9-161, a school district shall report to the education and local government interim committee for any exception taken to the limits prescribed by subsection (1) of this section.

(6) This section does not apply to school districts that are in a nonoperating status under 20-9-505 or that are in the first year of operation after reopening under 20-6-502 or 20-6-503.

(7) Beginning July 1, 2013, the balance of a school district's flexibility fund may not exceed 150% of the school district's maximum general fund budget."

Insert: "NEW SECTION. Section 23. Appropriation. (1) There is appropriated \$1 million for fiscal year 2013 from the general fund to the superintendent of public instruction. The purpose of the appropriation is to contribute to interlocal cooperative funds provided for in 20-3-363 to be paid to districts participating in multidistrict cooperatives. The superintendent shall pay to participating districts an amount in proportion to the size of the district's BASE budget compared to the sum of the BASE budgets of participating districts in all multidistrict cooperatives.

(2) By December 31, 2012, the prime applicant of a multidistrict cooperative shall report to the office of public instruction the name of each participating district along with a copy of the finalized agreement pursuant to 20-3-363. The office of public instruction shall pay the district's proportionate share no later than February 1, 2013."

Renumber: subsequent sections

64. Page 28, line 4.

Strike: "4, 5, AND 7 THROUGH 9"

Insert: "3, 4, 8 through 10, and 22"

65. Page 28, line 6.

Strike: "4, 5, AND 7 THROUGH 9"

Insert: "3, 4, 8 through 10, and 22"

66. Page 28, line 7.

"COORDINATION SECTION. Section 26. Coordination instruction. If House Bill No. 316 is not passed and approved in a form that reallocates at least 10% of the metalliferous mines license tax allocations in 15-37-117(1)(a), (1)(b), (1)(d), and (1)(e) to the state general fund and at least 10% of the lodging and facility use tax allocations in 15-65-121(1)(a) through (1)(e) to the state general fund, then [section 15 of this act], amending 20-9-306, is void and 20-9-306 is amended as follows:

Insert: "20-9-306. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district;

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and 40% of the special education allowable cost payment;

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

- (c) the total quality educator payment;
- (d) the total at-risk student payment;
- (e) the total Indian education for all payment; and
- (f) the total American Indian achievement gap payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, 100% of the total quality educator payment, 100% of the total at-risk student payment, 100% of the total Indian education for all payment, 100% of the total American Indian achievement gap payment, and 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

- (a) for each high school district:
 - (i) ~~\$246,085~~ \$256,003 for fiscal year ~~2010~~ 2012; and
 - (ii) ~~\$253,468~~ \$260,099 for each succeeding fiscal year;
- (b) for each elementary school district or K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school:
 - (i) ~~\$22,141~~ \$23,033 for fiscal year ~~2010~~ 2012;
 - (ii) ~~\$22,805~~ \$23,402 for each succeeding fiscal year; and
- (c) for each elementary school district or K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school:
 - (i) for kindergarten through grade 6 elementary program:
 - (A) ~~\$22,141~~ \$23,033 for fiscal year ~~2010~~ 2012; and
 - (B) ~~\$22,805~~ \$23,402 for each succeeding fiscal year; plus
 - (ii) for an approved and accredited junior high school program, 7th and 8th grade program, or middle school:
 - (A) ~~\$62,704~~ \$65,231 for fiscal year ~~2010~~ 2012; and
 - (B) ~~\$64,585~~ \$66,275 for each succeeding fiscal year.

(7) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to 20-9-311.

(8) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(9) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, the total quality educator payment, the total at-risk student payment, the total Indian education for all payment, the total American Indian achievement gap payment, and the greater of:

- (a) 175% of special education allowable cost payments; or
- (b) the ratio, expressed as a percentage, of the district's special education allowable

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(10) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(11) "Total American Indian achievement gap payment" means the payment resulting from multiplying \$200 times the number of American Indian students enrolled in the district as provided in 20-9-330.

(12) "Total at-risk student payment" means the payment resulting from the distribution of any funds appropriated for the purposes of 20-9-328.

(13) "Total Indian education for all payment" means the payment resulting from multiplying \$20.40 times the ANB of the district or \$100 for each district, whichever is greater, as provided for in 20-9-329.

(14) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations and using either the current year ANB or the 3-year ANB provided for in 20-9-311:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$6,097~~ \$6,343 for fiscal year ~~2010~~ 2012 and ~~\$6,280~~ \$6,444 for each succeeding fiscal year for the first ANB, decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school, a maximum rate of ~~\$4,763~~ \$4,955 for fiscal year ~~2010~~ 2012 and ~~\$4,906~~ \$5,034 for each succeeding fiscal year for the first ANB, decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school, the sum of:

(i) a maximum rate of ~~\$4,763~~ \$4,955 for fiscal year ~~2010~~ 2012 and ~~\$4,906~~ \$5,034 for each succeeding fiscal year for the first ANB for kindergarten through grade 6, decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$6,097~~ \$6,343 for fiscal year ~~2010~~ 2012 and ~~\$6,280~~ \$6,444 for each succeeding fiscal year for the first ANB for grades 7 and 8, decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.

(15) "Total quality educator payment" means the payment resulting from multiplying \$3,036 for fiscal year 2008 and \$3,042 for each succeeding fiscal year times the number of full-time equivalent educators as provided in 20-9-327."

Insert: "COORDINATION SECTION. **Section 27. Coordination instruction.** If [this act] is passed and approved, the general fund appropriation for BASE aid is House Bill No. 2 is increased by \$3,419,812."

Renumber: subsequent sections

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

67. Page 28, line 11.

Strike: "8 AND 9"

Insert: "9 and 10"

Following: "JULY 1,"

Strike: "2012"

Insert: "2013"

68. Page 28.

Following: line 11

Insert: "NEW SECTION. **Section 29. Termination.** [Sections 1, 7, and 8] terminate June 30, 2016."

For the Senate:
Zinke, Chair
Jones
Stewart-Peregoy

For the House:
McGillvray, Vice Chair
Esp

MESSAGES FROM THE SENATE

Governor's amendments to Senate bills concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/27/2011

SB 166, introduced by Balyeat

SB 212, introduced by Ripley

SB 279, introduced by Jackson

Free Conference Committee Report No.1 adopted:

4/27/2011

HB 122, introduced by Malek

HB 621, introduced by Ankney

SB 423, introduced by Essmann

Governor's amendments to House bills concurred in and returned to the House: 4/27/2011

HB 165, introduced by Hollandsworth

HB 565, introduced by Noonan

House joint resolutions concurred in and returned to the House: 4/27/2011

HJR 32, introduced by Connell

HJR 38, introduced by Hansen

HJR 39, introduced by MacLaren

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

House amendments to Senate joint resolution concurred in:

4/27/2011

SJR 23, introduced by Essmann

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 611 - Free Conference Committee Report No. 1 - Representative Cook moved the Free Conference Committee report to **HB 611** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Edmunds, Hale, Kerns, Knox, Miller, Skattum, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 316 - Free Conference Committee Report No. 1 - Representative Cook moved the Free Conference Committee report to **HB 316** be adopted. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, Berry, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hollandsworth, Hoven, Ingraham, MacLaren, McGillvray, McNiven, McNutt, O'Hara, O'Neil, Osmundson, Peterson, Reichner, Roberts, Salomon, F. Smith, Stahl, Taylor, Warburton, Mr. Speaker.

Total 35

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Nays: Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Boland, Court, Cuffe, Driscoll, Edmunds, Flynn, Furey, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Howard, Hunter, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Swanson, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates.

Total 65

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 166 - Governor's Amendments - Representative Lavin moved Governor's amendments to **SB 166** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Stahl.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 212 - Governor's Amendments - Representative Knudsen moved Governor's amendments to **SB 212** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill,

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

Nays: Edmunds, Kennedy, Kerns, Knox, Osmundson, Small, Stahl, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Flynn, Furey, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 87

Nays: Ankney, B. Bennett, Driscoll, Fitzpatrick, Gibson, Pease-Lopez, Squires.
Total 7

Excused: Evans, Hands, McNiven.
Total 3

Absent or not voting: Belcourt, Hollenbaugh, Loney.
Total 3

MOTIONS

Representative Malek moved to reconsider action taken previously on **HB 13**.

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Motion **failed** as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Furey, Gibson, Hill, Hiner, Hollenbaugh, Hunter, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 39

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 58

Excused: Evans, Hands, McNiven.

Total 3

Absent or not voting: None.

Total 0

Representative Mehlhoff rose on a point of personal privilege in regard to previous conversation on HB 13. He stated that he didn't rise to say he was an adjunct teacher because they don't get benefits.

Representative C. Smith moved to override the governor's veto on **HB 341**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 32

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Excused: Evans, Hands, McNiven.

Total 3

Absent or not voting: Small.

Total 1

Representative C. Smith moved to override the governor's veto on **HB 456**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: Evans, Hands, McNiven.

Total 3

Absent or not voting: None.

Total 0

Representative McGillvray moved to accede to the request of the Senate and appoint a **Free** Conference Committee on **SB 156**. Motion Carried. Speaker Milburn appointed:

4/27/2011

Representative Bangerter
Representative Pease-Lopez
Representative Read

Representative McGillvray moved to accede to the request of the Senate and appoint a **Free** Conference Committee on **SB 36**. Motion Carried. Speaker Milburn appointed:

4/27/2011

Representative McNutt
Representative MacDonald
Representative K. Peterson

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Representative Taylor rose on a point of personal privilege to address a message that was left on Representative Hansen's desk and her disappointment in the individual who left it.

House Recessed.
House Reconvened.

Roll Call. All members present, except Representatives Evans, Hands, and McNiven, excused. Quorum present.

Representative McGillvray moved that the House Republicans Caucus. Motion carried.
Representative MacDonald moved that the House Democrats Caucus. Motion carried.

House Recessed.
House Reconvened.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 329 - Representative Esp moved consideration of **SB 329** be placed at the bottom of the second reading board. Motion carried.

SB 312 - Free Conference Committee Report No. 1 - Representative G. Bennett moved the Free Conference Committee report to **SB 312** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, F. Smith, Stahl, Swanson, Taylor,

Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 78

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Williams, Wilmer.
Total 21

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Excused: None.

Total 0

Absent or not voting: Small.

Total 1

SB 136 - Free Conference Committee Report No. 1 - Representative Phillips moved the Free Conference Committee report to **SB 136** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Boland, Court, Hill, Mehlhoff, Menahan.

Total 5

Excused: None.

Total 0

Absent or not voting: Small.

Total 1

SB 35 - Free Conference Committee Report No. 1 - Representative McNutt moved the Free Conference Committee report to **SB 35** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Small.

Total 1

SB 329 - Conference Committee Report No. 1 - Representative Esp moved the Conference Committee report to **SB 329** be adopted.

SB 329 - Representative Berry moved for cloture. Motion carried.

SB 329 - Free Conference Committee Report No. 1 - Representative Esp moved the Free Conference Committee report to **SB 329** be adopted. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Beck, G. Bennett, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, More, O'Hara, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Washburn, Welborn, Yates, Mr. Speaker.

Total 50

Nays: Arntzen, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Boland, Court, Driscoll, Furey, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knox, Knudsen, MacDonald, Malek, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Randall, Reinhart, Rosendale, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Wagner, Warburton, Williams, Wilmer.

Total 49

Excused: None.

Total 0

Absent or not voting: Small.

Total 1

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McChesney, McGillvray, McNutt, More, O'Hara, O'Neil,

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Osmundson, Peterson, Read, Regier, Reichner, Roberts, Salomon, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 59

Nays: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Knudsen, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Randall, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.
Total 36

Excused: Evans, Hands, McNiven.
Total 3

Absent or not voting: Hollenbaugh, Small.
Total 2

MOTIONS

Representative Hollenbaugh moved to consider action taken previously on **HB 439**.

Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Fitzpatrick, Furey, Gibson, Hansen, Hill, Hiner, Hollenbaugh, Hunter, Kary, Klock, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Yates.
Total 54

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Esp, Flynn, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Kerns, Knox, Knudsen, Loney, MacLaren, McGillvray, More, O'Neil, Osmundson, Randall, Read, Regier, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Mr. Speaker.
Total 42

Excused: Evans, Hands, McNiven.
Total 3

Absent or not voting: Small.
Total 1

Representative McGillvray moved to reconsider action taken previously on **HB 316**.

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 27, 2011

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNutt, More, O'Hara, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 53

Nays: Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Hale, Harris, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Vance, Williams, Wilmer, Yates.

Total 43

Excused: Evans, Hands, McNiven.

Total 3

Absent or not voting: Small.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Thursday, April 28, 2011. Motion carried.

House adjourned at 4:43 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
EIGHTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
April 28, 2011

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative G. Bennett. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Evans and Hands, excused. Quorum present.

Examined by the sponsor and found to be correct: **HB 122, HB 165, HB 198, HB 375, HB 526, HB 533, HB 565, HB 611, HB 612, HB 621, HB 627, HJR 13, HJR 32, HJR 33, HJR 38, HJR 39.**

Correctly enrolled: **HB 122, HB 165, HB 375, HB 526, HB 533, HB 565, HB 611, HB 612, HB 621, HB 627, HJR 13, HJR 32, HJR 33, HJR 38, HJR 39.**

Signed by the Speaker at 9:36 a.m., April 28, 2011: **HB 122, HB 165, HB 526, HB 565, HB 621, HB 627, HJR 13, HJR 32, HJR 38, HJR 39.**

Signed by the Chief Clerk of the House at 9:15 a.m., April 28, 2011: **HB 122, HB 165, HB 526, HB 565, HB 621, HB 627, HJR 13, HJR 32, HJR 38, HJR 39.**

Representative McGillvray moved that the House Republicans Caucus. Motion carried.

House Recessed.
House Reconvened.

REPORTS OF SELECT COMMITTEES

**FREE CONFERENCE COMMITTEE
on **Senate Bill 156**
Report No. 2, April 27, 2011**

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 156** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 156** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6.

Following: "PROVIDING AN"

Insert: "IMMEDIATE"

2. Page 2, line 16.

Strike: "July 1, 2011"

Insert: "on passage and approval"

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

For the Senate:
Priest, Chair
Ripley
Windy Boy

For the House:
Bangerter, Vice Chair
Pease-Lopez
Read

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 439 failed (due to 2/3 vote requirement) as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Edmunds, Fitzpatrick, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Warburton, Welborn, Williams, Wilmer, Yates.
Total 60

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Ehli, Esp, Flynn, Greef, Hale, Harris, Hendrick, Hoven, Howard, Ingraham, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Regier, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Washburn, Mr. Speaker.
Total 39

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

HB 494 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 34

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 35 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Fitzpatrick.

Total 1

Excused: Evans.

Total 1

Absent or not voting: Connell, Mehlhoff.

Total 2

SB 136 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McGillvray, McNally, McNiven, McNutt, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 80

Nays: Barrett, Boland, Court, Driscoll, Esp, Malek, McChesney, McClafferty, Mehlhoff, Menahan, Pease-Lopez, Price, Reinhart, Sands, Small, F. Smith, Squires, Swanson, Wilmer.

Total 19

Excused: Evans.

Total 1

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Absent or not voting: None.

Total 0

SB 166 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 212 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: Barrett, Belcourt, Edmunds, Kennedy, Malek, McGillvray, F. Smith, Stahl.

Total 8

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

SB 279 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.
Total 85

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Hunter, MacDonald, Malek, Menahan, Noonan, Pease-Lopez, Sands, Williams.
Total 14

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

SB 305 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.
Total 84

Nays: Barrett, Belcourt, Boland, Burnett, Court, Knudsen, Malek, Price, Randall, Read, Sands, F. Smith, Squires, Taylor, Williams.
Total 15

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

SB 312 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl,

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 69

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 315 failed as follows:

Yeas: Bangerter, G. Bennett, Blasdel, Brodehl, Burnett, Connell, Esp, Flynn, Greef, Hale, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Mr. Speaker.

Total 42

Nays: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Furey, Gibson, Hands, Hansen, Harris, Hill, Hiner, Hollenbaugh, Hunter, Klock, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Yates.

Total 57

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 329 concurred in as follows:

Yeas: Ankney, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Lavin, Loney, MacLaren, McGillvray, McNiven,

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

More, O'Hara, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Salomon, Skattum, Small, C. Smith, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.

Total 50

Nays: Arntzen, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hale, Hands, Harris, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Klock, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Randall, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Stahl, Swanson, Wagner, Williams, Wilmer, Yates.

Total 49

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 372 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

SB 426 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum,

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 32

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

SJR 28 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.
Total 55

Nays: Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Court, Driscoll, Edmunds, Esp, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Regier, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer, Yates.
Total 44

Excused: Evans.
Total 1

Absent or not voting: None.
Total 0

HB 375 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor,

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Vance, Wagner, Warburton, Washburn, Williams, Yates, Mr. Speaker.

Total 72

Nays: Barrett, Belcourt, Boland, Court, Driscoll, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Welborn, Wilmer.

Total 27

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HB 611 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skees, Small, C. Smith, Taylor, Vance, Warburton, Washburn, Yates, Mr. Speaker.

Total 58

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Edmunds, Furey, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Knox, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Stahl, Swanson, Wagner, Welborn, Williams, Wilmer.

Total 41

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

Representative Taylor rose to request a change to her vote on HB 439. Multiple objections, vote was not changed.

MOTIONS

Representative Kerns moved to suspend the rules and accept **HB 174** and place it on second reading today.

Representative Kerns withdrew his motion.

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sesso in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 316 - Free Conference Committee Report No. 1 - Representative Cook moved the Free Conference Committee report to **HB 316** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Loney, MacLaren, McGillvray, McNiven, McNutt, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Mr. Speaker.

Total 55

Nays: Barrett, B. Beck, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hale, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Knudsen, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer, Yates.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sesso moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale,

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 35

Excused: Evans, Hands.
Total 2

Absent or not voting: None.
Total 0

House Recessed.
House Reconvened.

Representative Hendrick rose on a point of personal privilege to state that on SB 315 he had voted incorrectly.

House Recessed.
House Reconvened.

Roll Call. All members present, except Representatives Evans and Hands, excused. Quorum present.

Representative Read read the following proclamation:

A PROCLAMATION OF THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA

HONORING REPRESENTATIVE LILA EVANS

APRIL 28, 2011

WHEREAS, Lila Evans was elected to the office of House District 16 Representative during the General Election of November 2, 2010; and

WHEREAS, Representative Lila Evans on Monday, January 3, 2011 was officialll sworn into office; and

WHEREAS, Representative Lila Evans officially took her place among her fellow Representatives of the 62nd Legislative Session; and

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

WHEREAS, Representative Lila Evans exemplified her strength of character, her gracious, yet fighting spirit, and her willingness to put the needs of others before her own through her example, commitment and willingness to make decisions and cast votes during committee meetings and on the House Floor on those bills brought before her.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA to honor Representative Lila Evans and thank her for her dedication, spirit and service to her constituents, to this House, the people of Montana and this 62nd Legislature as a whole on this 28th day of April, 2011.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 36**
Report No. 1, April 28, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 36** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 36** (reference copy -- salmon) be amended as follows:

1. Title, line 8 through line 9.

Strike: "ALLOWING" on page 1, line 8 through "PROCEEDINGS;" on line 9

2. Page 1, line 17 through line 18.

Strike: "The" on line 17 through "proceedings." on line 18

For the Senate:
Ripley, Chair
Hamlett
Vincent

For the House:
McNutt, Vice Chair
MacDonald

MESSAGES FROM THE SENATE

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

4/28/2011

HB 174, introduced by Kerns, this bill has missed the deadline for general bills.

Conference Committee Report No.1 adopted:

4/28/2011

SB 136, introduced by Balyeat

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Free Conference Committee Report No.1 adopted: 4/28/2011

HB 375, introduced by Cook
HB 611, introduced by Cook
HB 612, introduced by Roberts
SB 265, introduced by Hamlett
SB 372, introduced by Tutvedt
SB 426, introduced by Balyeat

House joint resolution concurred in and returned to the House: 4/28/2011

HJR 33, introduced by MacLaren

Governor's amendments to **House bill** concurred in and returned to the House: 4/28/2011

HB 533, introduced by Berry

Governor's amendments to **Senate bills** concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/28/2011

SB 29, introduced by Moss
SB 100, introduced by Shockley
SB 207, introduced by Moore

Representative McGillvray moved that the House Republicans Caucus. Motion carried.

House Recessed
House Reconvened

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 156 - Free Conference Committee Report No. 2 - Representative Pease-Lopez moved the Free Conference Committee report to **SB 156** be adopted. Motion carried as follows:
Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin,

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 68

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Evans, Flynn, Hale, Hansen, Howard, Kary, Kennedy, Kerns, Knox, Loney, McGillvray, Miller, More, Randall, Rosendale, Skattum, Skees, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 31

Excused: None.

Total 0

Absent or not voting: C. Smith.

Total 1

SB 36 - Free Conference Committee Report No. 1 - Representative McNutt moved the Free Conference Committee report to **SB 36** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Evans, Taylor.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 29 - Representative McGillvray moved consideration of **SB 29** be passed for the day. Representative MacDonald objected.

SB 29 - Representative McGillvray moved consideration of **SB 29** be placed at the bottom of the second reading board. Motion carried.

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

SB 100 - Governor's Amendments - Representative Connell moved Governor's amendments to **SB 100** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Taylor.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 207 - Governor's Amendments - Representative Clark moved Governor's amendments to **SB 207** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Evans, Kary, McGillvray, Rosendale, Stahl, Warburton, Washburn.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

SB 29 - Representative McGillvray moved consideration of **SB 29** be placed on the next agenda. Motion carried.

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 90

Nays: Fitzpatrick, Lavin, Loney, Noonan.

Total 4

Excused: Evans, Hands.

Total 2

Absent or not voting: Cuffe, Esp, Hollenbaugh, Peterson.

Total 4

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on House Bill 604

Report No. 2, April 28, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 604** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 604** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 4.

Following: "TRANSFERS"

Insert: "AND AN APPROPRIATION"

2. Title, page 1, line 6.

Following: "ACCOUNT"

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Insert: ", "
Strike: "AND"
Following: "FUND"
Insert: ", AND THE FIRE SUPPRESSION ACCOUNT"

3. Title, page 1, line 10.
Following: "DISTRICTS;"
Insert: "AUTHORIZING A FUND TRANSFER FROM THE OLDER MONTANANS TRUST
FUND TO THE HEALTH AND MEDICAID INITIATIVES ACCOUNT;"
Following: "OLD"
Strike: "STATE"

4. Title, page 1, lines 11 and 12.
Strike: "STATE" on line 11 through "FUND" on line 12
Insert: "OLD FUND LIABILITY ACCOUNT"

5. Title, page 1, line 12.
Following: "FUND;"
Insert: "REVISING THE TRANSFER TO THE RESEARCH AND COMMERCIALIZATION
STATE SPECIAL REVENUE ACCOUNT FOR FISCAL YEARS 2012 AND 2013;
IMPOSING A PREMIUM FEE ON CERTAIN WORKERS' COMPENSATION POLICIES;
CREATING A STATE SPECIAL REVENUE ACCOUNT;"
Following: "SECTIONS"
Insert: "15-35-108,"

6. Title, page 1, line 12.
Strike: "39-71-2311" on line 12 through "39-71-2351," on line 13

7. Title, page 1, line 13.
Following: "75-10-743,"
Insert: "76-13-150,"

8. Title, page 1, line 14.
Following: "DATE"
Insert: ", AN APPLICABILITY DATE, "
Strike: "A TERMINATION DATE"
Insert: "TERMINATION DATES"

9. Page 2, line 5.
Strike: "\$9,166,502"
Insert: "\$6 million"

10. Page 2, line 6 through line 8.
Following: "2011"
Strike: ", FOR" on page 2, line 6 through "CESSATION" on line 8

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

11. Page 2, line 9.

Following: line 8

Insert: "(3) By August 15, 2011, the state treasurer shall transfer \$3 million from the fire suppression account provided for in 76-13-150 to the general fund."

12. Page 2, lines 10 through page 7, line 3.

Strike: sections 3 through 10 in their entirety

Insert: "NEW SECTION. Section 3. Transfer of funds to health and medicaid initiative account. For the biennium beginning July 1, 2011, the state treasurer shall transfer \$3,166,502 from the older Montanans trust fund provided for in 52-3-115 to the health and medicaid initiatives account provided for in 53-6-1201."

Insert: "Section 4. Section 15-35-108, MCA, is amended to read:

"15-35-108. (Temporary) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) The amount of [5.8% through September 30, 2013, and beginning October 1, 2013, the amount of] 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).

(8) After the allocations are made under subsections (2) through (7), \$250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

(9) (a) Subject to subsection (9)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:

(i) \$65,000 to the cooperative development center;

(ii) \$625,000 for the growth through agriculture program provided for in Title 90, chapter 9;

(iii) \$1.275 million to the research and commercialization state special revenue account created in 90-3-1002, of which \$375,000 per year is appropriated for fiscal years 2012 and 2013 to the department of commerce for the small business state matching grant program authorized in 90-1-117 to provide matching grants for small business innovation research and small business technology transfer, \$125,000 per year is appropriated for fiscal years 2012 and 2013 to the high-performance supercomputing program in the department of commerce, and \$300,000 per year is appropriated for fiscal years 2012 and 2013 to the board of regents for the development of energy and natural resources doctoral programs at Montana tech of the university of Montana;

(iv) to the department of commerce:

(A) \$125,000 for a small business development center;

(B) \$50,000 for a small business innovative research program;

(C) \$425,000 for certified regional development corporations;

(D) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and

(E) \$300,000 for export trade enhancement. (Terminates June 30, 2013--sec. 5, Ch. 459, L. 2009.)

15-35-108. (Effective July 1, 2013) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) The amount of [5.8% through September 30, 2013, and beginning October 1, 2013, the amount of] 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).

(8) After the allocations are made under subsections (2) through (7), \$250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(9) (a) Subject to subsection (9)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:

(i) \$65,000 to the cooperative development center;

(ii) \$1.25 million for the growth through agriculture program provided for in Title 90, chapter 9;

(iii) \$3.65 million to the research and commercialization state special revenue account created in 90-3-1002;

(iv) to the department of commerce:

(A) \$125,000 for a small business development center;

(B) \$50,000 for a small business innovative research program;

(C) \$425,000 for certified regional development corporations;

(D) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and

(E) \$300,000 for export trade enhancement. (Terminates June 30, 2019--secs. 2, 3, Ch. 459, L. 2009.)

15-35-108. (Effective July 1, 2019) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1,

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) The amount of 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).

(8) After the allocations are made under subsections (2) through (7), \$250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(9) All other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.""

Renumber: subsequent sections

13. Page 7, line 29 through line 30.

Strike: "to that" on line 29 through "treasurer" on line 30

14. Page 8, line 1.

Following: "~~39-71-2321~~"

Insert: "to the old fund account provided for in [section 14] if the amount in [section 13 or 14] is insufficient"

15. Page 9, line 4 through line 5.

Strike: ":", on line 4 through "(a)" on line 5

16. Page 9, line 7.

Strike: ":", and"

Insert: ":",

17. Page 9, line 11.

Strike: line 11 in its entirety

18. Page 13, line 8.

Insert: "**Section 10.** Section 76-13-150, MCA, is amended to read:

"76-13-150. Fire suppression account -- fund transfer. (1) There is a fire suppression account in the state special revenue fund to the credit of the department.

(2) The legislature may transfer money from other funds to the account, and the money in the account is subject to legislative fund transfers.

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

- (3) Funds received for restitution by private parties must be deposited in the account.
- (4) Money in the account may be used only for the purpose of paying expenses for fire prevention, including fuel mitigation, grants for the purchase of fire suppression equipment for county cooperatives, and fire suppression costs.
- (5) Interest earned on the balance of the account is retained in the account."

Renumber: subsequent sections

19. Page 14.

Following: line 4

Insert: "NEW SECTION. Section 13. Old fund liability account. (1) There is an old fund liability account in the state special revenue fund established by 17-2-102 to be administered by the department of administration.

(2) Until July 1, 2013, the state fund shall deposit in the account described in subsection (1) the fees collected as provided in [section 14].

(3) Interest and income earned on money in the account must be retained within the account except as provided in this section.

(4) Beginning July 1, 2012, the state treasurer shall transfer funds in the old fund liability account on an as-needed basis into the old fund account provided for in [section 14] to pay claims for injuries occurring before July 1, 1990."

Insert: "NEW SECTION. Section 14. Old fund premium fee -- assessment. (1) Until July 1, 2013, the state fund shall pay into the old fund liability account, provided for in [section 13], a fee assessed upon net premiums. Beginning July 1, 2013, the state fund shall deposit the fees assessed upon net premiums into the old fund account.

(2) A fee must be assessed on net premiums at a rate of 2.75% and must be included in rates established in 39-71-2330.

(3) (a) For the purposes of this section, the term "net premium" has the meaning provided by the national association of insurance commissioners.

(b) For the purposes of this part, the term "old fund account" means the account in the proprietary fund type to pay claims for injuries resulting from accidents that occurred before July 1, 1990."

Insert: "NEW SECTION. Section 15. Appropriation. (1) There is appropriated up to \$2 million in fiscal year 2011 from the general fund to the department of administration on a one-time-only basis for transfer to the old fund account provided for in [section 14].

(2) There is appropriated \$11 million on a one-time-only basis for the fiscal year ending June 30, 2012, to the department of administration for transfer to the old fund account for unfunded liabilities, if necessary. These funds may be used only for the purposes of this subsection, except as provided in subsection (3).

(3) If the funds appropriated in subsection (2) are not needed for the purpose specified in subsection (2), the department of administration may transfer up to \$2.2 million of the remainder to compensate state agencies for any difference in the amount appropriated from the general fund for workers' compensation premiums and the actual amount of workers' compensation premiums funded from the general fund. The methodology for determining general fund appropriations for workers' compensation and actual general fund workers' compensation premium costs must be based on an agreement between the director of the office of budget and program planning and the legislative fiscal analyst.

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

(4) (a) The approving authority, as defined in 17-7-102, shall review and may approve the transfer under subsection (3).

(b) The legislative finance committee shall review the proposed transfer prior to the distribution of funds under subsection (3)."

Insert: "NEW SECTION. Section 16. Codification instruction. [Sections 13 and 14] are intended to be codified as an integral part of Title 39, chapter 71, part 23, and the provisions of Title 39, chapter 71, part 23, apply to [sections 13 and 14]."

Renumber: subsequent sections

20. Page 14, line 12.

Following: line 11

Insert: "(3) If House Bill No. 611 is not passed and approved, then [section 4 of this act], amending 15-35-108, is void."

21. Page 14, line 17.

Strike: "date"

Insert: "dates -- applicability"

Strike: "[This"

Insert: "(1) Except as provided in subsection (2), [this"

22. Page 14.

Following: line 17

Insert: "(2) [Section 14(2)] is effective July 1, 2011, and applies to new or renewal policies effective July 1, 2011."

23. Page 14, line 19.

Following: "TERMINATION."

Insert: "(1)"

Strike: "AND 12"

Insert: ", 6, and 7"

24. Page 14.

Following: line 19

Insert: "(2) [Section 14] terminates June 30, 2023."

For the House:

McNutt, Chair

Esp

McChesney

For the Senate:

Lewis, Vice Chair

Hamlett

Zinke

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

MESSAGES FROM THE SENATE

Governor's amendments to Senate bill not concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/28/2011

SB 174, introduced by Vuckovich

SB 136 - The Senate failed to concur in the Governor's House amendments to **SB 136**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 136**:

4/28/2011

Senator Balyeat, Chair
Senator Hinkle
Senator Vuckovich

SB 423 - The Senate failed to concur in the Governor's House amendments to **SB 423**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 423**:

4/28/2011

Senator Essmann, Chair
Senator Larsen
Senator Vincent

Governor's amendments to Senate bill concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/28/2011

SB 266, introduced by Olson

(note: the message originally received was incorrect and said the governor's amendments were not concurred in, the journal clerk was given the correct report.)

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 29 - Governor's Amendments - Representative Welborn moved Governor's amendments to **SB 29** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Blyton, Boland, Cook, Court, Cuffe, Driscoll, Esp, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price,

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Vance,
Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 45

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Clark,
Connell, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Greef, Hale, Harris, Hendrick, Hollandsworth,
Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney,
MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall,
Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Taylor,
Wagner, Warburton, Washburn.
Total 55

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 604 - Free Conference Committee Report No. 1 - Representative Cook moved the Free
Conference Committee report to **HB 604** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl,
Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson,
Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns,
Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara,
O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon,
Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates,
Mr. Speaker.
Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner,
Hollenbaugh, Hunter, Kennedy, MacDonald, Malek, McChesney, McClafferty, McNally,
Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt,
Sesso, Skattum, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 423 - Governor's Amendments - Representative Berry moved Governor's amendments to
SB 423 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel,
Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp,

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 90

Nays: Driscoll, Harris, Hollenbaugh, Lavin, More, O'Hara, Peterson, Read, Skees.
Total 9

Excused: None.
Total 0

Absent or not voting: Belcourt.
Total 1

SB 266 - Governor's Amendments - Representative Berry moved Governor's amendments to **SB 266** be concurred in.

SB 266 - Representative Hendrick moved for cloture. Motion carried.

SB 266 - Governor's Amendments - Representative Berry moved Governor's amendments to **SB 266** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 65

Nays: Barrett, Belcourt, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Wagner, Williams, Wilmer.
Total 34

Excused: None.
Total 0

Absent or not voting: B. Bennett.
Total 1

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

SB 174 - Governor's Amendments - Representative Miller moved Governor's amendments to **SB 174** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 71

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hunter, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Williams, Wilmer.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.

Total 27

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Clark, Hollenbaugh.

Total 3

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

MOTIONS

Representative McGillvray moved to accede appoint a **Free** Conference Committee on **SB 423** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/28/2011

Representative C. Smith
Representative Berry
Representative Sands

Representative Kerns moved to suspend the rules and accept **HB 174** as amended.

Motion **failed** as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 61

Nays: Ankney, Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 34

Excused: Evans, Hands.
Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.
Total 3

Representative Flynn moved to suspend the rules to reconsider **HB 198**.

Motion **failed** as follows:

Yeas: Arntzen, Barrett, B. Beck, Belcourt, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Driscoll, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McNiven, Miller, More, Noonan, Osmundson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates.
Total 62

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Nays: Ankney, Bangerter, B. Bennett, G. Bennett, Berry, Boland, Cook, Court, Cuffe, Fitzpatrick, Furey, Gibson, Hoven, Hunter, Klock, McClafferty, McGillvray, McNally, McNutt, Menahan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Small, Swanson, Welborn, Mr. Speaker.

Total 34

Excused: Evans, Hands.

Total 2

Absent or not voting: Mehlhoff, Sesso.

Total 2

Representative McGillvray moved to accede to the request of the Senate and appoint a Conference Committee on **SB 136**. Motion Carried. Speaker Milburn appointed:

4/28/2011

Representative Kennedy

Representative Knudsen

Representative Phillips

Representative MacLaren moved to suspend the rules on **HB 609**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 28

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

Representative MacLaren moved to reconsider **HB 609** and place it on third reading today.

Motion carried as follows:

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 28

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

Representative G. Bennett rose on a point of personal privilege to correct a statement made earlier about Representative Evan's health.

Representative Arntzen rose on a point of personal privilege about an item she had placed on members desks.

Representative Taylor rose on a point of personal privilege to clarify her statement made yesterday about the message left on Representative Hansen's desk because some members asked for clarification on whose desk it was.

House Recessed.

House Reconvened.

Roll Call. All members present, except Representatives Evans and Hands, excused. Quorum present.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on Senate Bill 136

Report No. 1, April 28, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 136** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

And, recommend that **Senate Bill 136** (reference copy -- salmon) be amended as follows:

1. Page 8, line 16.

Strike: "twice"

Insert: "four times"

For the Senate:

Balyeat, Chair

Hinkle

Vuckovich

For the House:

Kennedy, Vice Chair

Knudsen

Phillips

FREE CONFERENCE COMMITTEE
on **Senate Bill 423**
Report No. 3, April 28, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 423** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 423** (reference copy -- salmon) be amended as follows:

1. Page 2, line 25.

Following: "INCLUDING"

Insert: "relevant and necessary"

2. Page 4, line 4.

Strike: "REGISTERED CARDHOLDER,"

Following: "PROVIDER"

Strike: " "

3. Page 4, line 25.

Following: "RELEVANT"

Insert: "and necessary"

4. Page 4, line 27.

Following: "REVIEWING"

Insert: "any"

Following: "RELEVANT"

Insert: "and necessary"

5. Page 6, line 8.

Following: "department shall"

Strike: "verify"

Insert: "review"

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

6. Page 7, line 3.

Strike: "registered cardholders"

Following: "and"

Strike: " "

Following: "providers"

Strike: " "

7. Page 7, line 5.

Strike: "cardholders"

Following: "or"

Strike: " "

Following: "providers"

Strike: " "

8. Page 7, line 8.

Strike: "15"

Insert: "25"

9. Page 7, line 28.

Strike: "and (3)"

Insert: "through (4)"

10. Page 9.

Following: line 10

Insert: "(3) An application for a registry identification card for a minor must be accompanied by the written certification and accompanying statements required pursuant to [section 7] from a second physician in addition to the minor's treating physician or referral physician."

Renumber: subsequent subsections

11. Page 10, line 28.

Following: "(A)"

Insert: "(i)"

12. Page 11.

Following: line 1

Insert: "(ii) A person who is registered as both a provider and a marijuana-infused products provider may assist no more than three registered cardholders."

13. Page 11, line 15 through line 16.

Strike: "; or" on line 15 through "PRODUCTS PROVIDER" on line 16

14. Page 12, line 5.

Following: "SMOKING"

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Insert: "unless the marijuana-infused products provider is also a registered provider and is providing the marijuana to a registered cardholder who has selected the person as the person's registered provider"

15. Page 13.

Following: line 20

Insert: "(3) A physician who is the second physician recommending marijuana for use by a minor shall submit:

(a) a statement initialed by the physician that the physician conducted a comprehensive review of the minor's medical records as maintained by the treating physician or referral physician;

(b) a statement that in the physician's professional opinion, the potential benefits of the use of marijuana would likely outweigh the health risks for the minor; and

(c) an attestation that the information provided in the written certification and accompanying statements is true and correct."

Renumber: subsequent subsections

16. Page 13, line 30.

Following: "(1)"

Insert: "(a)"

17. Page 14, line 1.

Following: "hospices"

Insert: "and residential care facilities"

18. Page 14, line 2.

Strike: "in the order listed"

19. Page 14, line 4.

Strike: "(a)"

Insert: "(i)"

20. Page 14, line 5.

Following: ";

Insert: "or"

21. Page 14, line 6.

Strike: "(b)"

Insert: "(ii)"

Following: "provider"

Insert: ";

Strike: "OR"

Following: "PROVIDER"

Insert: ", court-appointed guardian, or person with a power of attorney"

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

22. Page 14, line 7.

Strike: "; or"

Insert: "."

23. Page 14, line 8.

Strike: "(c)"

Insert: "(b) If a patient is unable to remove the marijuana or the health care facility is unable to contact an individual as provided in subsection (1)(a), the facility shall"

24. Page 14, line 9.

Following: "provider"

Insert: ", "

Strike: "OR"

Following: "PROVIDER"

Insert: ", court-appointed guardian, or person with a power of attorney, if any,"

25. Page 19, line 4.

Strike: "FREQUENT,"

26. Page 19, line 7.

Strike: "AT ANY TIME"

Insert: "during normal business hours"

27. Page 19, line 13.

Following: "INVESTIGATION"

Insert: "during normal business hours"

28. Page 19, line 24.

Strike: "or"

29. Page 19, line 27.

Following: "PRODUCTS"

Insert: "; or

(c) fails to cooperate with the department concerning an investigation or inspection if the person is registered and cultivating or manufacturing marijuana"

For the Senate:
Essmann, Chair
Vincent

For the House:
C. Smith, Vice Chair
Berry
Sands

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 423 - Free Conference Committee Report No. 3 - Representative Berry moved the Free Conference Committee report to **SB 423** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hiner, Hollandsworth, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 88

Nays: B. Bennett, Hale, Harris, Hill, Hollenbaugh, Howard, Kerns, Noonan, Peterson, Read, Reinhart, Wilmer.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 136 - Free Conference Committee Report No. 1 - Representative Knudsen moved the Free Conference Committee report to **SB 136** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 79

Nays: Barrett, Belcourt, Boland, Connell, Court, Driscoll, Ehli, Esp, Hill, Hollenbaugh, MacLaren, Malek, Menahan, Pease-Lopez, Peterson, Price, Sands, Schmidt, Swanson, Wilmer.

Total 20

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Excused: None.

Total 0

Absent or not voting: Mehlhoff.

Total 1

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: B. Bennett, Court, Hill, Loney, Malek, Noonan.

Total 6

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 609 failed as follows:

Yeas: Loney, Mr. Speaker.

Total 2

Nays: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson,

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 93

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

SB 100 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: None.

Total 0

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

SB 207 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 87

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Nays: Barrett, Blasdel, Harris, Hill, Kary, Read, Rosendale, F. Smith.
Total 8

Excused: Evans, Hands.
Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.
Total 3

SB 266 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 63

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.
Total 32

Excused: Evans, Hands.
Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.
Total 3

HB 316 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Loney, MacLaren, McGillvray, McNiven, McNutt, Osmundson, Peterson, Randall, Read, Reichner, Roberts, Rosendale, Salomon, Skattum, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 54

Nays: Barrett, B. Beck, B. Bennett, Boland, Brodehl, Court, Driscoll, Flynn, Furey, Hale, Hill, Hiner, Hollenbaugh, Hunter, Knudsen, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Regier, Reinhart, Sands, Schmidt, Skees, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Total 41

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

SB 156 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Gibson, Greef, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kennedy, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Roberts, Salomon, Sands, Schmidt, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 62

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Esp, Flynn, Hale, Howard, Kary, Kerns, Knox, Loney, McGillvray, McNiven, Miller, More, O'Neil, Randall, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Washburn.

Total 32

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Furey, Mehlhoff, Sesso.

Total 4

SB 36 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Hale, McGillvray.

Total 2

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Excused: Evans, Hands.
Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.
Total 3

HB 604 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 64

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 31

Excused: Evans, Hands.
Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.
Total 3

SB 423 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Hendrick, Hiner, Hollandsworth, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.
Total 78

Nays: Barrett, B. Bennett, Furey, Hale, Harris, Hill, Hollenbaugh, Howard, Kerns, Malek, McClafferty, Noonan, Peterson, Read, Reinhart, Squires, Wilmer.
Total 17

Excused: Evans, Hands.

HOUSE JOURNAL
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 28, 2011

Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

SB 136 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 72

Nays: Barrett, B. Bennett, Boland, Connell, Court, Driscoll, Ehli, Esp, Hale, Hill, MacLaren, Malek, Menahan, Pease-Lopez, Peterson, Price, Sands, Schmidt, Skattum, Squires, Swanson, Williams, Wilmer.

Total 23

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

ADJOURNMENT

Representative McGillvray moved the House Sine Die.

Representative Hunter made closing remarks.

Representative McGillvray made closing remarks.

Speaker Milburn made closing remarks

House adjourned at 8:50 PM.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House

**HOUSE JOURNAL
62ND LEGISLATURE
ADDENDUM**

Helena, Montana
2011

House Chambers
State Capitol

BILLS (O'Hara, Chairman):

4/28/2011

Correctly enrolled: **HB 198, HB 375, HB 533, HB 611, HB 612, HJ 33.**

Examined by the sponsor and found to be correct: **HB 198, HB 375, HB 533, HB 611, HB 612, HJ 33.**

Signed by the Speaker at 10:30 a.m., April 29, 2011: **HB 198, HB 375, HB 533, HB 611, HB 612, HJ 33.**

Signed by the Chief Clerk of the House at 10:00 a.m., April 29, 2011: **HB 375, HB 533, HB 611, HB 612, HJ 33.**

BILLS (O'Hara, Chairman):

5/4/2011

Delivered to the Governor for approval at 2:45 p.m., May 4, 2011: **HB 198, HB 375, HB 533, HB 611, HB 612.**

BILLS (O'Hara, Chairman):

5/2/2011

Correctly enrolled: **HB 2, HB 271, HB 304, HB 310, HB 316.**

Delivered to the Secretary of State at 11:31 a.m., May 2, 2011: **HJR 33.**

Delivered to the Governor for approval at 9:40 a.m., May 2, 2011: **HB 4, HB 5, HB 6, HB 7, HB 8, HB 9, HB 10, HB 122, HB 132, HB 159, HB 165, HB 209, HB 258, HB 317, HB 351, HB 363, HB 372, HB 377, HB 405, HB 414, HB 444, HB 460, HB 477, HB 492, HB 495, HB 526, HB 560, HB 561, HB 562, HB 565, HB 577, HB 585, HB 613, HB 616, HB 619, HB 621, HB 633, HB 641, HB 642.**

Signed by the Speaker at 2:30 p.m., May 2, 2011: **HB 2, HB 271, HB 310, HB 316, HB 604.**

Delivered to the Governor for approval at 3:20 p.m., May 2, 2011: **HB 2, HB 271, HB 310, HB 316, HB 604.**

BILLS (O'Hara, Chairman):

5/3/2011

Delivered to the Governor for approval at 1:45 p.m., May 3, 2011: **HB 100, HB 333, HB 494, HB 551.**

MESSAGES FROM THE GOVERNOR

April 28, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 59, **"AN ACT REVISING THE DEFINITION OF "ELIGIBLE RENEWABLE RESOURCE" TO INCLUDE HYDROELECTRIC PROJECT EXPANSIONS; GRANTING THE PUBLIC SERVICE COMMISSION RULEMAKING AUTHORITY OVER HYDROELECTRIC PROJECT EXPANSIONS; AMENDING SECTIONS 69-3-2003 AND 69-3-2006, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"** for the following reasons.

House Bill 59 would amend the Renewable Power Production and Rural Economic Development Act of 2005. This landmark legislation provided incentives for jobcreating, clean energy projects.

HB 59 seeks to amend the Renewable Power Act so as to give incentives to projects that expand or upgrade hydroelectric dams. This is a reasonable goal. However, this bill also looks backwards, and would provide incentives to projects that are already underway. As written, HB 59 would provide an incentive to one project in Montana that has been under construction for a year and half, is moving along rapidly, and was clearly an economically viable project that did not require an incentive. Please realize that if we give incentives to this project, these incentives will be unavailable to new projects that create new jobs.

I do not believe that we should be giving out incentives that do not add jobs to our economy. I made this point in my proposed amendments to HB 59, but they were rejected.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

April 28, 2011

The Honorable Mike Milburn Speaker of the House
State Capitol
Helena, MT 59620

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 358 (HB 358), **"AN ACT INCREASING THE AMOUNT THAT AN EMPLOYEE OR ACCOUNT HOLDER MAY EXCLUDE FROM MONTANA ADJUSTED GROSS INCOME FOR CONTRIBUTIONS DEPOSITED INTO A MEDICAL SAVINGS ACCOUNT; AMENDING SECTION 15-61202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."**

I have issued this veto of HB 358 because I believe the bill is a ruse for meaningful health care reform -reform to benefit the majority of Montanans. Further, HB 358 has an estimated fiscal impact to the state of approximately \$180,000. At a time when the state is guarding its balance sheets carefully, I do not believe the legislation is prudent.

I respectfully ask for your support in sustaining my veto.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

April 29, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena MT

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 306 (HB 306), **"AN ACT ELIMINATING THE REQUIREMENT FOR A NOTARY PUBLIC TO KEEP AND MAINTAIN AN OFFICIAL NOTARY JOURNAL; AMENDING SECTIONS 1-5-416 AND 1-5-419, MCA; AND PROVIDING AN EFFECTIVE DATE."**

House Bill 306 eliminates the requirement that a notary public keep and maintain a journal. This would be bad for consumers and would increase civil litigation, as it would vastly increase the potential for fraud, identity theft and the bilking of elderly people.

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

A notarization is required by law when we sign documents to buy or sell property, to grant another person authority over our financial affairs, or to make medical decisions or end-of-life decisions. Notarization is also frequently used voluntarily in other large transactions. It has long been recognized that these large or important transactions are less susceptible to fraud and forgery when an official, unbiased witness (a notary public) is present when a document is signed, and can vouch for the fact that the signature is authentic and that the signatory was present.

An important feature of a notarization is the accompanying entry made by the notary in his or her own journal. This journal entry serves as a trustworthy, contemporaneous account of exactly what took place at the time that the document was notarized. Journal entries serve as proof in courts of law that a contract was signed in front of the notary, and that the document was signed without coercion and with mental competence. And in certain areas of commerce, these journal entries also offer strong protection for consumers.

If HB 306 were signed into law, notaries would likely become the only public officials in government, at any level, who are not required to keep a record of their public acts. I see no reason that this should be the case.

April 28, 2011

May 5, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 152, **"AN ACT REVISING PROOF OF RESIDENCY REQUIREMENTS FOR VOTER REGISTRATION AND PROOF OF IDENTITY REQUIREMENTS FOR VOTING; AND AMENDING SECTIONS 13-2-110, 13-13-114, 13-13-201, AND 13-13-602, MCA."**

House Bill 152 would require Montana voters to produce a government-issued photo ID when they appear at a polling location to cast their vote. This requirement would create an unacceptable and unnecessary burden on many elderly voters, low-income voters, disabled voters and students. Many of these citizens do not have drivers' licenses and live on low or fixed incomes. If these citizens are required to obtain a photo ID, it will cost them each \$8, every four years. The elderly and the disabled, many of whom are seriously impaired in their mobility, would now be required to make a trip to the Department of Justice's Motor Vehicles Division to obtain a photo ID, or else become automatically ineligible to vote.

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

The state has for many decades recognized several forms of valid identification even though these items do not contain photographs. For example, the Registration Confirmation Card, mailed to every citizen who registers to vote, has long been recognized under the law as a valid form of identification. A significant number of voters-perhaps as many as several thousand per election-routinely come to the polls with no form of identification but these registration cards. If HB 152 were to become law, many of these same persons would be turned away for lack of a photo 1D

Finally, I would note that over the course of two extensive hearings, the proponents of HB 152 cited "voter fraud" as the impetus for this legislation, but could not produce a single example of any such fraud. Thus HB 152, like other election bills that I have vetoed this session, seeks to interfere with fundamental rights of Montana citizens by imposing new and unnecessary regulations. Categorically, such a bill must not be allowed to become law.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

May 5,2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 316 (HB 316), **"AN ACT GENERALLY REVISING THE ALLOCATION OF INCOME AND REVENUE."**

Despite the fact the State of Montana now has over \$330 million cash in the bank, HB 316 needlessly steals or transfers revenue from valuable job creating economic development tools, community impact funds, and longstanding programs away from their intended sources. The bill is unnecessary given Montana's strong revenue collections and I see no reason why we should hinder our economic recovery when the money to fund core essential services is in the bank.

For fiscal year 2011, revenues have grown 8.79%. Furthermore, as the Legislature drains funds from job-creating investments in the misguided belief that the money isn't there, for the revenues contained in House Joint Resolution 2 to be accurate, revenues

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

would need to decrease for the remaining 57 days of fiscal year 2011 by 7.22%.

Further, despite the commitments made by legislative leadership, HB 316 holds our schools hostage, a tactic I find unacceptable. Therefore, I am directing my Office of Budget and Program Planning to prepare legislation for the 2013 Legislature which funds the second year of the coming biennium at the full 2.43% level approved in House Bill 2. This will ensure that classrooms remain whole in this biennium despite the actions the 62nd Legislature took to hold K-12 education captive.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

May 5, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby deliver to you House Bill No. 604 (HB 604), **"AN ACT PROVIDING FOR FUND TRANSFERS AND AN APPROPRIATION; AUTHORIZING FUND TRANSFERS FROM THE TELECOMMUNICATIONS SERVICES AND SPECIALIZED TELECOMMUNICATIONS EQUIPMENT ACCOUNT, THE OLDER MONTANANS TRUST FUND, AND THE FIRE SUPPRESSION ACCOUNT TO THE GENERAL FUND; AUTHORIZING FUND TRANSFERS FROM THE MOTOR VEHICLE AND RECYCLING ACCOUNT, THE ORPHAN SHARE ACCOUNT, THE COAL BED METHANE PROTECTION ACCOUNT, AND THE OIL AND GAS CONSERVATION ACCOUNT TO THE GUARANTEE ACCOUNT FOR DISTRIBUTION TO SCHOOL DISTRICTS; AUTHORIZING A FUND TRANSFER FROM THE OLDER MONTANANS TRUST FUND TO THE HEALTH AND MEDICAID INITIATIVES ACCOUNT; AUTHORIZING A FUND TRANSFER TO THE OLD FUND WORKERS' COMPENSATION ACCOUNT FROM THE GENERAL FUND AND THE OLD FUND LIABILITY ACCOUNT; REVISING THE TRANSFER TO THE RESEARCH AND COMMERCIALIZATION STATE SPECIAL REVENUE ACCOUNT FOR FISCAL YEARS 2012 AND 2013; IMPOSING A PREMIUM FEE ON CERTAIN WORKERS' COMPENSATION POLICIES; CREATING A STATE SPECIAL REVENUE ACCOUNT; AMENDING SECTIONS 15-35-108, 39-71-2352, 52-3-115, 53-19-310, 75-10-532, 7510-743, 76-13-150, 76-15-904, AND 82-11-135, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, AN APPLICABILITY DATE, AND TERMINATION DATES,"** which I have signed into law with one significant change.

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

Late on the last day of the regular session of the 62nd Legislature, a conference committee comprised of six legislators substantially re-worked HB 604. To the surprise and objection of many, among the amendments approved by the conference committee to HB 604 on the final legislative day was an amendment that assessed -through June 3D, 2023 --a 2.75% tax on all workers' compensation premiums paid by businesses and employers throughout Montana that obtain their workers' compensation insurance from the state compensation insurance fund, otherwise known as the "State Fund." This new tax on employers is intended to pay claims that are anticipated to be made against the "old fund," for injuries resulting from accidents that occurred before July 1, 1990. Absent this tax increase, these claims will be paid under current law out of the general fund. With great division and dissent, the Montana House and Senate approved the

conference committee report to HB 604 at 8:31 p.m. and 8:41 p.m., respectively, just prior to adjourning sine die.

Most outrageous, however, is that the tax to be charged employers until the year 2023 -anticipated to raise approximately \$7,314,660 over the next biennium, alone --was supported by a majority of conservative legislators who identified as primary goals both job-creation and the lowering of workers' compensation costs for Montana employers. The mechanisms in HB 604 to pay old fund workers' compensation liabilities do nothing to create jobs or lower workers' compensation premiums for Montana employers. In fact, they do the exact opposite.

We should not forget how this state debt was created in the first place. In 2003, in order to balance the state budget, the Legislature chose to take \$52,568,000 from the "old fund" to subsidize general fund spending (HB363, 2003 regular session). It should further be noted that the cost to the state of this transfer is \$60,770,534 (Montana State Fund 2011 Budget Analysis: Old Fund and New Fund, Legislative Fiscal Division, Nov. 4, 2010)

I oppose this tax on Montana businesses of roughly \$7,314,660 over the next biennium to pay for the anticipated "old fund" liabilities. The version of HB 604 passed by the majority party of the Legislature does not assist Montana employers and does not help create Montana jobs. I, therefore, have exercised my item veto authority under Article VI, § 5 of the Montana Constitution and have stricken from the bill all provisions of HB 604 related to payment of "old fund" workers' compensation liabilities (liabilities for claims arising from accidents that occurred before July 1, 1990). Most importantly, this item veto removes from HB 604 the 2.75% tax increase that otherwise would be assessed on workers' compensation premiums paid by employers insured by the State Fund.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

May 6, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 167 (HB 167), **"AN ACT CREATING CRIMINAL OFFENSES INVOLVING DEATH TO AN UNBORN CHILD AND PROVIDING EXCEPTIONS; AND AMENDING SECTIONS 45-5-102 AND 45-5103, MCA."**

I have issued this veto because I believe its primary purpose and focus is to serve a political agenda, not to protect pregnant women from violence or punish the acts of offenders. Penalty enhancements for violent crimes against pregnant women, as proposed in the introduced version of HB 457 (tabled in the Senate Judiciary Committee), would have served the same penological purpose as HB 167 without entangling the issue in the abortion debate.

Similarly, if the supporters of HB 167 had wanted to strengthen criminal laws involving crimes of violence, other legislation considered this past session would have provided prosecutors with enhanced tools. For example, HB 203, which would have allowed prosecutors to introduce evidence of previous sexual assault crimes by the person charged, and SB 58, which strengthened Montana law concerning the retention of DNA evidence obtained in the investigation of certain offenses, were considered by the Legislature but tabled in committees.

Finally, I also am concerned that prosecution of crimes under HB 167 could invade the privacy of a pregnant woman, who has already been traumatized by the violence against her, by exposing her medical records and other private information in a criminal court proceeding, including to the perpetrator of the crime.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

May 6, 2011

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 186 (HB 186), **"AN ACT AUTHORIZING THE DEPARTMENT OF LABOR AND INDUSTRY TO PROVIDE UP TO \$500,000 PER YEAR IN MATCHING FUNDS FOR WORKPLACE SAFETY PROGRAMS IN CONJUNCTION WITH A NOT-FOR-PROFIT CORPORATION; INCREASING CERTAIN ASSESSMENTS PAID INTO THE ADMINISTRATION FUND; AMENDING SECTION 39-71-201, MCA; AND PROVIDING AN EFFECTIVE DATE, AN APPLICABILITY DATE, AND A TERMINATION DATE."**

House Bill 186 increases the assessment on employers under workers' compensation plans No.1, 2 and 3. My administration worked very hard this session to reduce workers' compensation rates for employers in this state that resulted in my signing House Bill 334. Increasing the assessment on employers to add additional funding for workplace safety and early return to work reverses the direction of trying to lower the costs to employers. Workplace safety and early return to work are very important programs. Insurers should be shouldering the costs of these programs to better serve their insured.

More important, the assessment is really a tax. I have stated over and over again that I will not raise taxes during my administration. Therefore I must veto this bill.

Sincerely,

BRIAN SCHWEITZER
Governor

May 6,2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 283 (HB 283), **"AN ACT ALLOWING SEX TO BE CONSIDERED WHEN ISSUING OR PROVIDING CERTAIN INSURANCE COVERAGE;**

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

DECLARING USE OF ACTUARIAL TABLES TO BE A NONDISCRIMINATORY APPROACH TO SETTING PREMIUMS; PROVIDING AN EXCEPTION FOR PREMIUM RATES ASSOCIATED WITH DISABILITY INSURANCE; AMENDING SECTION 49-2-309, MCA; AND PROVIDING AN APPLICABILITY DATE."

I have been advised that HB 283 is likely unconstitutional, as in violation of the equality provisions of the Montana Constitution found in Article II, § 4, which, unlike the federal Constitution, expressly prohibits discrimination on the basis of sex (as well as other categories, such as race and religion). Unique among the states, Montana's Constitution applies not only to state actions but to actions taken by the private sector. At a minimum, as expressed by constitutional convention delegate Wade Dahood, the prohibition applies to matters of a quasipublic nature, such as employment, housing, public accommodations, finance and credit, and the subject of this bill -insurance, acquisition of which is a legal and practical necessity for most Montanans. Proceedings of the Montana Constitutional Convention, Vol. V, p. 1643.

To illustrate the constitutional principle on a practical level, actuarial differences in risk factors exist not only between the sexes but between individuals of different races and religions. Yet, as a society, we understand that it would be socially repugnant to allow different insurance rates or benefits on grounds of an individual's race or religion. Using a constitutional framework, there is no difference between the prohibition on setting insurance rates and benefits based on race or religion and the same prohibition as applied to gender. These classifications are equally and expressly prohibited.

I have vetoed HB 283 for the above reasons, consistent with the provisions of Article II, § 4-of the Montana Constitution.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

May 6,2011

The Honorable Linda McCulloch Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 366 (HB 366), **"AN ACT REVISING COUNTY INTERIM ZONING REQUIREMENTS AND PROCEDURES; REQUIRING A COUNTY TO**

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

INITIATE A STUDY OR INVESTIGATION TO VERIFY THE EXISTENCE OF AN EMERGENCY; LIMITING A RESOLUTION FOR AN INTERIM ZONING DISTRICT OR INTERIM REGULATION TO 182 DAYS FROM THE DATE IT BECOMES EFFECTIVE; ELIMINATING THE SPECIFICATION OF EXIGENT CIRCUMSTANCES; REQUIRING CERTAIN PROCEDURES FOR THE EXTENSION OF A RESOLUTION FOR AN INTERIM ZONING DISTRICT OR INTERIM REGULATION; AND AMENDING SECTION 76-2-206, MCA."

In my opinion, HB 366, revising the procedures related to a county's use of interim zoning, is a solution in search of a problem. I have vetoed the bill because I believe it unnecessarily ties the hands of locally-elected public officials as they deal with complex and often contentious local planning and zoning issues.

Under current law --specifically § 76-2-206, MCA --county commissioners may establish interim zoning districts or interim regulations as emergency measures to promote the public health, safety, morals, and general welfare. This statute provides reasonable limits on commissioners' authority, including a one year limit on the duration of interim zoning, subject to a one year extension, and other conditions that demonstrate the commissioners' ongoing review of land use regulations. Interim zoning is an important tool counties can employ to protect private property rights when they are faced with unexpected land use proposals and pending final zoning decisions.

House Bill 366 not only limits the duration of interim zoning, it requires counties to undertake studies and investigations to verify that emergencies exist and the facts and circumstances constituting the emergency. Additionally, HB 366 requires unanimous or super-majority votes by county commissioners to extend interim zoning beyond a 182day time limit. I believe these measures unnecessarily seize discretion from locallyelected county commissioners to properly serve the best interests of their communities.

Interim zoning is a valid and reasonable use of an already limited local authority that allows a county the extra time necessary to carefully consider development that may run contrary to the long-term goals of the community. I believe this responsibility rightly belongs in the hands of locally-elected officials, and that county commissioners are fully capable of exercising this authority with appropriate discretion.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

May 6,2011

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 375 (HB 375), **"AN ACT REVISING TRANSFERS FROM THE STATE GENERAL FUND; REDUCING TRANSFERS TO CERTAIN ACCOUNTS, ENTITIES, AND RECIPIENTS; AMENDING SECTION 15-1-122, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."**

After being roundly criticized by the majority party for proposing in my executive budget fund transfers that reflect the ongoing priorities of the State of Montana, the irony of HB 375 is simply too rich to ignore. What remains in the seventh iteration of HB 375, delivered to me for signature, are fund transfers to the general fund, of approximately \$150,000 annually, from three services: search and rescue, recreational safety in state parks, and the junk vehicle fund. Notably, HB 604, another transfer bill that has already been signed into law (with an item veto), already transfers \$2.5 million from the junk vehicle fund in fiscal year 2012. Notably, too, the fund transfers in HB 375 terminate June 30, 2015, so the reductions in funding to these programs will last for the next two biennia.

I can say with absolute confidence that the fund transfers to the general fund in this seventh iteration of HB 375 are unnecessary to ensure a balanced budget for the next two biennia.

It is for these reasons, I have chosen to veto the bill.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

May 6, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, for the following reasons, I hereby veto House Bill No. 408 (HB 408), **"AN ACT CHANGING THE STATUTE OF LIMITATIONS FOR MEDICAL MALPRACTICE CLAIMS FROM 3 YEARS TO 2 YEARS; AMENDING SECTION 27-2205, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."**

Under the guise that reducing the statute of limitations for medical malpractice claims in Montana from three years to two will attract more health care providers to this state and reduce providers' insurance premiums, the Legislature passed HB 408. I issue this veto because the healthcare industry already has dozens of statutory liability protections, and I do not believe there is a reason for the statute of limitations on medical malpractice cases to be any different than the statute of limitations on tort actions generally, which is three years. See Mont. Code Ann. § 27-2-204.

It is significant that medical injuries are often complex and dynamic, may take years to stabilize, and may require the retention of outside medical experts to evaluate highly specialized and complex medical treatment, records, and conditions. I note, as well, that the Montana Medical Legal Panel's March 12, 2010 report shows that in 2008 and 2009, the number of medical malpractice claims in Montana as a percentage of Montana health care providers was lower than at any time since 1981.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

May 9, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 612 (HB 612). **"AN ACT GENERALLY REVISING STATE HEALTH CARE LAWS TO IMPLEMENT PROVISIONS OF THE GENERAL APPROPRIATIONS ACT; REVISING HEALTH CARE TAX CREDITS; REVISING DUTIES OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FOR PRESCRIPTION DRUG BENEFITS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 33-22-2006, 33-22-2007, 53-6-1002, 53-6-1004, 53-6-1005, 53-6-1006, 53-6-1010, AND**

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

53-6-1012, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

House Bill 612 directly hurts small businesses and their employees. The bill would prohibit an employer from claiming an Insure Montana tax credit if the employer is eligible for a federal small employer health insurance tax credit. Ironically, despite the majority party's scorn for the federal health care reform act, the federal tax credit is contained within that federal act. This provision of the federal health care reform act serves similar goals to the tax credits available under Montana's Insure Montana law --to encourage small businesses to insure their employees.

Thus, despite the fact the State of Montana now has over \$330 million cash in the bank, HB 612 needlessly would eliminate tax credits to assist small businesses. Indeed, 800 businesses in Montana currently claim the state tax credit, antiCipated to total \$4.4 million in fiscal year 2010, because they provide their employees with health insurance benefits. These employee health care benefits help Montana small businesses attract and retain top quality employees.

House Bill 612 would hurt small businesses and hurt their employees. With \$330 million in the bank and my primary goal to assist economic recovery in Montana, HB 612 would accomplish just the opposite. For these reasons, I have vetoed the bill.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

May 9,2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 633 (HB 633), **"AN ACT REVISING LAWS RELATING TO THE HEALTHY MONTANA KIDS PLAN; REVISING THE ALLOCATION OF TOBACCO SETTLEMENT PROCEEDS; REVISING THE DEFINITION OF "BASE BUDGET" TO INCLUDE CERTAIN APPROPRIATIONS FOR THE HEALTHY MONTANA KIDS PLAN; REVISING PRESUMPTIVE ELIGIBILITY CRITERIA FOR THE HEALTHY MONTANA KIDS PLAN; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 17-6-606,**

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

**17-7-102, AND 53-4-1105, MCA; AND PROVIDING AN EFFECTIVE DATE AND A
TERMINATION DATE."**

House Bill 633 directly conflicts with funding for both the tobacco use prevention program and the Healthy Montana Kids program, as passed by the Legislature in House Bill 2. My veto of HB 633 preserves two voter-passed initiatives, 1-146 and 1-155. House Bill 633 was never a good idea and now is unnecessary.

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Jerry quit here, HB 100 needed

May 10, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 271 (HB 271), **"AN ACT REVISING THE LAW RELATED TO THE OFFENSE OF CARRYING A CONCEALED WEAPON; PROVIDING THAT THE LAW DOES NOT APPLY TO A PERSON WHO IS ELIGIBLE TO POSSESS A HANDGUN UNDER STATE OR FEDERAL LAW; AND AMENDING SECTION 45-8-317, MCA."**

House Bill 271 would allow anyone "eligible to possess a handgun under state or federal law" to carry a concealed weapon, without a permit. This allows the individual to make his or her own eligibility determination and deprives law enforcement of the opportunity to consider whether the person is a threat to the community.

Obviously, this bill would greatly imperil the work and safety of Montana's lawmen, including sheriffs and highway patrolmen. Under current law, Montana's sheriffs are responsible for issuing concealed weapon permits. This is as it should be. Sheriffs are dedicated, locally-elected, boots-on-the-ground officials who have the best sense of their community when it comes to law enforcement and public safety. In this regard, I would note that HB 271 is opposed by the Montana Sheriffs and Peace Officers Association, and also the Montana Department of Justice, the Montana County

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

Attorneys Association, the Montana Association of Chiefs of Police, and the Montana Police Protective Association.

HB 271 would entirely remove the Sheriff's authority and discretion to issue or deny concealed weapons permits. It would also, paradoxically, dismantle many reasonable Montana laws and regulations which ensure that permit-holders are not unduly burdened. For example, HB 271 would void our state's reciprocity agreements with more than 30 states that recognize concealed weapon permits; and it would void our laws that allow Montana permit-holders to forgo the background check required for a firearm purchase.

Finally, I would like the sponsors of this bill to consider the absurdity of the standard set forth in HB 271. If this standard were applied to the issuance of other permits and licenses in our society, then nobody could be prosecuted for failure to produce a driver's license, a commercial driver's license, a pilot's license, a building permit, a hunting license, or any other type of permit. These documents would not be necessary. People would simply have to produce evidence that they were "eligible" to possess them.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

May 10, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 414 (HB 414), **"AN ACT PROVIDING FOR THE IMPLEMENTATION OF MONTANA'S FEDERAL MANDATES ACT; REVISING THE LEGISLATIVE DECLARATION; SPECIFYING CRITERIA FOR NOTICES OF ADMINISTRATIVE RULEMAKING IMPLEMENTING FEDERAL MANDATES; REQUIRING INTERIM COMMITTEES TO REVIEW AGENCIES' COMPLIANCE WITH THE FEDERAL MANDATES ACT; PROVIDING FOR INCLUSION IN THE STATE BUDGETING PROCESS OF CERTAIN INFORMATION AND RECOMMENDATIONS CONCERNING FEDERAL MANDATES; AMENDING SECTIONS 2-1-402, 2-1-405, 2-1-407, 2-1-408, 2-4-302, 5-5-215, AND 17-7-111,**

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

MCA; AND PROVIDING AN EFFECTIVE DATE."

Regretfully, HB 414 is not just a "feel good" bill, or a "solution in search of a problem," it takes a frivolous, ineffectual law and makes it more so. The bill amends the Federal Mandates Act, codified as Title 2, chapter 1, part 4, MCA, enacted in 1995 to "ensure the primacy of the state of Montana's legal and political authority to implement ... federal statutes." Having inquired with the Budget Office, which conducts a Federal Mandates Act survey of all agencies prior to preparing the state budget, I have been told that since its passage 16 years ago, and implemented by two Governors before me, the Federal Mandates Act has served no useful function.

The 2011 Legislature may best be remembered for its efforts to "nullify" numerous federal laws and set records for the greatest number of unconstitutional bills in a legislative session -as identified by its own legal staff. The 1995 Federal Mandates Act, itself, is consistent in spirit with many of those bills, so it is not surprising that the 2011 Legislature sent me a bill to try to strengthen the Act.

However, the sum and substance of HB 414 is to require the production of yet more reports by more agencies to implement the 1995 law. The "take away" lesson from the 2011 Legislature should be that government works best when its directors roll up their sleeves and get to work, not when they pass frivolous laws that would require the production of more reports to gather more dust.

House Bill 414 should never have reached my desk. However, since it did, I have chosen to veto it.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

May 10, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 444 (HB 444), **"AN ACT**

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

CREATING THE MONTANA PUBLIC FINANCE WEBSITE; REQUIRING THE ESTABLISHMENT OF A WEBSITE FROM WHICH THE GENERAL PUBLIC CAN SEARCH, RETRIEVE, AND DOWNLOAD INFORMATION ABOUT THE STATE FINANCES, INCLUDING STATE ENTITY BUDGETS, REVENUE, APPROPRIATIONS, AND EXPENDITURES BY EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCH AGENCIES; AND PROVIDING FOR DEPARTMENT OF ADMINISTRATION DUTIES AND RULEMAKING AUTHORITY."

House 8ill444 would establish a website with a searchable database, listing all state expenditures for the public to examine. Development of this website would cost almost \$400,000, but provide no return on the taxpayer investment. Montanans already have ample access to information about the state budget. The Legislative Fiscal Division publishes volumes of reports about the budget passed by the Legislature and endless other fiscal matters. If legislators desired to publish more information about Montana's fiscal affairs, they already have the authority to upload that information on their own website. Additionally, Legislative Audit Division reports, showing detailed budget information, already can be obtained by the public in both digital and hard copy formats for free. As well, the state's Consolidated Annual Financial Report (CAFR) is available from the Legislative Auditor.

There is a more practical obstacle to my veto. As part of our overall budget settlement, my office reached an agreement with the Speaker of the House and the President of the Senate that this bill would not receive funding. This means that the nearly \$400,000 cost of implementing HB 444 is not addressed in House Bill 2 and would represent an unfunded mandate imposed upon the Department of Administration. The Department cannot absorb the costs necessary to implement HB 444 from within its existing budget.

Sincerely,

BRIAN SCHWEITZ
GOVERNOR

Cc: Legislative Services Division

May 10, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 577 (HB 577), **"AN ACT ELIIVIINATING TIPS**

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

AND GRATUITIES FROM THE DEFINITION OF "WAGES" UNDER WORKERS' COMPENSATION LAW IN ORDER TO REDUCE EMPLOYER CONTRIBUTIONS TO THE WORKERS' COMPENSATION PROGRAM; AND AMENDING SECTIONS 33-22-2006 AND 39-71-123, MCA."

This bill is unfair to service industry employees and treats them differently than other employees who are compensated with a steady, reliable paycheck. House Bill 577 decreases the benefits paid to those in the service industry by excluding tips and gratuities documented by the employer from the definition of "wages."

Earlier this session, I signed HB 334 into law. That bill contained comprehensive, bipartisan workers' compensation reform. The reforms will cause major changes in our state workers' compensation system that will lower insurance rates in both the short and the long term. While I did not agree with everything in the bill, I agreed to compromise because major reform was clearly necessary for Montana. One of the provisions in HB 334 that I did not fully support eliminated permanent partial benefits for many Montana workers with minor injuries. In light of that major change to our workers' compensation system, I cannot support HB 577 because it would lower benefits for even more injured workers. The bill would place most tipped employees in the position of being considered minimum wage workers for purposes of determining their eligibility for permanent partial benefits. Tips have long been considered wages for workers' compensation benefit calculations in Montana. House Bill 577 could upset the quid pro quo of the workers' compensation system for those workers by significantly cutting the wages used to calculate benefits. For these reasons, I am vetoing the bill.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

May 10, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 616, **"AN ACT CREATING AN AGRICULTURAL LAND ADVISORY COMMITTEE TO ADVISE THE DEPARTMENT OF REVENUE ON IMPROVING THE VALUATION OF**

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

AGRICULTURAL LAND; DIRECTING THE AGRICULTURAL LAND ADVISORY COMMITTEE TO REPORT TO THE REVENUE AND TRANSPORTATION INTERIM COMMITTEE; REQUIRING THAT THE AGRICULTURAL LAND ADVISORY COMMITTEE ASSIST THE DEPARTMENT OF REVENUE IN THE VALUATION OF AGRICULTURAL LAND; AMENDING SECTION 15-7-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

House Bill 616 would summarily fire the twelve current members of the Agricultural Land Valuation Advisory Committee and replace them with new personnel of the majority party's choosing, despite the fact that the Committee has discharged its responsibilities with timeliness, efficiency, and productivity.

Particularly, this bill is a deliberate affront to the presiding Committee chair, Dr. Gerald Nielson, from Montana State University. Mr. Nielson is a world-renowned soil scientist whose leadership has been exemplary. His expertise, moreover, is precisely what is needed on this committee, given that the productivity valuation of agricultural land is based on soil science. It is clear from the Senate floor debate on this bill, however, that the majority leaders in the Legislature have a preferred candidate in mind to replace Mr. Nielson-even though that preferred candidate does not possess comparable credentials as a professional soil scientist.

Furthermore, by summarily firing not only Mr. Nielson but the entire Committee membership, HB 616 disparages the good work of the sitting Committee members, who are dedicated, hard-working people representing multiple sectors of agriculture from the far corners of the state. And by reducing the number of appointees from twelve to seven, the bill would also have the effect of reducing representation for certain sectors of agriculture. I am concerned that the majority leadership could replace these working folks with several Helena lobbyists who share the ideology of the majority leaders.

Finally, the bill blurs the distinction between executive branch advisory functions and legislative oversight. Not only would the Committee be tasked with advising the Department of Revenue on agricultural land valuation, it would be tasked with investigating the Department's work and reporting its findings directly to the Revenue and Transportation Interim Committee. In this respect, I believe HB 616 raises serious separation of powers issues that I find untenable.

I have vetoed HB 616 for all these stated reasons.

Sincerely,

BRIAN SCHWEITZER
Governor

May 11, 2011

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill 406, **"AN ACT AUTHORIZING A PROPERTY TAXPAYER THAT OBJECTS TO THE ASSESSED VALUATION OF CERTAIN TYPES OF PROPERTY TO HAVE THE ASSESSED VALUATION SUBJECT TO MEDIATION; REQUIRING PAYMENT OF A FEE AND PROVIDING PROCEDURES FOR MEDIATION; ALLOWING AN OBJECTING TAXPAYER TO APPEAL THE ASSESSED VALUATION OF THE PROPERTY DIRECTLY TO DISTRICT COURT IF MEDIATION IS UNSUCCESSFUL; PROVIDING THAT THE UNIFORM DISPUTE REVIEW PROCEDURE DOES NOT APPLY TO THE ASSESSMENT OF CENTRALLY ASSESSED PROPERTY OR INDUSTRIAL PROPERTY THAT IS ASSESSED ANNUALLY BY THE DEPARTMENT OF REVENUE; AND AMENDING SECTIONS 15-1-211, 15-1-402, 15-2-302, 15-8-601, 15-15-102, 15-23-102, 15-23-104, AND 15-24-3112, MCA."**

Senate Bill 406 would give large, industrial corporations and other centrally-assessed taxpayers the right to force the Department of Revenue into a mediation session over the valuation of their property. If the corporation were unhappy with the mediation decisions, SB 406 would give the company the right to bypass all hearings at the County and State Tax Appeal Board and file a claim directly in any district court where the company has property.

This sweetheart deal of a bill, in essence, would give a select group of large corporate tax-payers unprecedented control on when, where and how their tax appeals will be handled. It would them a shot at tax breaks at the expense of homeowners, farmers, ranchers and other small businesses who can't afford to hire expensive lawyers to help them wiggle out of paying their taxes.

SB406 also has a cost. By replacing the State Tax Appeals Board's expertise in making valuations with the testimony of hired-gun experts in district courts, the bill would increase litigation costs to the public. At the hearings on this bill, the proponents were candid about these effects being intended to drive the Department of Revenue to the negotiating table and settle claims. But the taxpayer cost of settling these cases would generally two to four times higher than taking these cases through the normal appeals process. The Department has estimated that under the bill, corporations that perennially appeal their taxes as an inherent corporate strategy would win double to quadruple settlement bonuses-with the cost shifted unfairly to smaller taxpayers.

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

Sincerely,

BRIAN SCHWEITZER
Governor

May 12, 2011

The Honorable Linda McCulloch Secretary of State State Capitol Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby deliver to you House Bill NO.5 (HB 5), **"AN ACT GENERALLY REVISING LAWS RELATING TO CAPITAL PROJECTS; APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2013; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE LONG-RANGE BUILDING PROGRAM ACCOUNT TO THE STATE GENERAL FUND; REVISING REQUIREMENTS FOR CIGARETTE TAX REVENUE; AMENDING SECTION 17-7-205, MCA; AMENDING SECTION 2, CHAPTER 3, SPECIAL LAWS OF MAY 2007, SECTION 2, CHAPTER 478, LAWS OF 2009, AND SECTION 6, CHAPTER 478, LAWS OF 2009; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE,"** which I have signed into law with one item "struck-out," or vetoed.

The budget I submitted to the Legislature included reductions to information technology (IT) projects authorized by previous legislatures. My budget also transferred the resulting savings, totaling \$10.7 million, to the general fund. These proposals were contained in House Bill 10, Reducing Information Technology Appropriations.

The Legislature, however, took \$5.975 million of the \$10.7 million in savings I had proposed in my budget in order to fund its own IT project in HB 5. My item veto strikes this \$5.975 million appropriation to the Legislature from HB 5, along with the accompanying narrative.

The executive branch has numerous IT needs that will be unfunded next biennium in order that we prioritize spending money on the state's core services. For the same reasons I chose not to fund these previously authorized IT projects within the executive branch, I believe now is not the time to fund a nonessential IT project within the legislative branch.

I believe this is especially true where, for the first time in Montana's history, the Legislature refused to fund the pay plan negotiated between the administration and state workers. This failure by the Legislature, coming on the heels of the pay freeze for state workers in the current biennium, makes my decision to veto the IT appropriation to the Legislature easy. Shame on the Republican majority.

Sincerely,

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

May 12, 2009

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 97 (SB 97), **"AN ACT REPEALING THE PARENTAL NOTICE OF ABORTION ACT AND ENACTING THE PARENTAL NOTICE OF ABORTION ACT OF 2011; PROVIDING THAT THE PROVISIONS OF THE ACT APPLY TO MINORS UNDER 16 YEARS OF AGE; REVISING THE JUDICIAL BYPASS PROVISIONS UNDER THE ACT; AMENDING SECTIONS 41-1-405 AND 47-1-104, MCA; REPEALING SECTIONS 50-20-201, 50-20-202, 50-20-203, 50-20-204, 50-20-205, 50-20-208, 50-20-209, 50-20-211, 50-20-212, AND 50-20-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

I have vetoed SB 97 because I have been counseled that it is likely unconstitutional, as in violation of the express privacy clause contained in Article II, § 10, the equal protection clause found in Article II, § 4, and the "Rights of Persons Not Adults" clause, contained in Article II, § 15 of the Montana Constitution.

Senate Bill 97 repeals then reenacts in substantially the same form Montana's current Parental Notice of Abortion Act, which was held to be unconstitutional by Montana's First Judicial District Court in *Wicklund v. State*, 1999 Mont. Dist. LEXIS 1116, a decision that was never appealed. In that case, the court held that Montana's express constitutional privacy clause granted minors, including pregnant minors, a fundamental right of individual privacy, which right encompasses a minor's right to decide whether to terminate her pregnancy, and that the right was infringed by the Act.

The District Court considered evidence on teen pregnancies to determine whether a "compelling state interest" existed to justify the privacy infringements contained in the Parental Notice of Abortion Act and rejected every reason advanced by the state to support the infringements. Notably, the legislative purpose and findings contained in the 1995 law to justify the legislation, found to be unconstitutional in *Wicklund*, were reenacted virtually verbatim in SB 97.

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

I recognize that the most obvious difference between SB 97 and the current parental notice act ruled unconstitutional is that SB 97 lowers the age under which the law's provisions would apply from 18 to 16. However, counsel advises that the District Court in Wicklund considered evidence concerning decisions made by adolescents under 15, and this difference between SB 97 and the current law is not likely to affect the Court's analysis or cure the constitutional deficiencies of the legislation.

Given the strength of the 1995 Wicklund decision rejecting as unconstitutional an almost identical parental notice law, and a subsequent decision of the Montana Supreme Court solidifying Montana's strong privacy provisions not only generally, but specifically in the abortion context (*Armstrong v. State*, 1999 MT 261), I have chosen to veto SB 97.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

May 12, 2009

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No.1 06 (SB 106), **"AN ACT REQUIRING THE MONTANA ATTORNEY GENERAL TO FILE A MOTION TO JOIN THE FLORIDA LAWSUIT CHALLENGING THE CONSTITUTIONALITY OF PUBLIC LAW 111-148, THE PATIENT PROTECTION AND AFFORDABLE CARE ACT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

SB 106 requires the Montana Attorney General, on behalf of the State of Montana, to file a motion to join a lawsuit now on appeal in the 11 th Circuit Court of Appeals, challenging the constitutionality of the federal Patient Protection and Affordable Care Act. I oppose the bill for two reasons.

First, the Montana Constitution establishes the Montana Attorney General as the "legal officer of the state." MONT. CONST. Art. VI, § 4(4). The Montana Constitution also expressly establishes three distinct branches of government and prohibits one branch from exercising the powers of another. MONT. CONST. Art. III, § 1. I have been advised that the bill in its current

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

form likely runs afoul of these provisions of the Montana Constitution. I understand that the Legislature, too, received an opinion from its own, former, chief legal counsel questioning the constitutionality of SB 106.

Second, any effort by the State of Montana to join the federal lawsuit will not be without cost to the state treasury. The lawsuit is proceeding on its own, without Montana's involvement, and Montana's participation would have no bearing on the outcome. It is evident that despite costing taxpayers money, SB 106 is intended to serve a symbolic purpose, only.

I offered an amendatory veto to SB 106 to address both problems, but the Legislature rejected my proposal. I, therefore, have decided to veto the bill.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

May 12, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 526 (HB 526), **"AN ACT AUTHORIZING AN INTERSTATE HEALTH CARE COMPACT; AND DIRECTING THE GOVERNOR TO JOIN THE COMPACT."**

Under HB 526, Montana would join an interstate compact with other states to suspend the operation of all federal health care laws (except the military, veterans, and Indian Health Services) that are inconsistent with the state's health care laws, including laws as far ranging as Medicaid, Medicare, the federal Children's Health Insurance Program, and laws governing Federally Qualified Health Centers, the Food and Drug Administration, and the Centers for Disease Control as related to disease outbreak. Instead, under HB 526, Montana would receive federal funding for health care according to a formula applicable to member states to the compact, based on federal spending on health care in the state in baseline fiscal year 2010 as adjusted annually for population and inflation.

Under the compact, Montana seniors, people with disabilities, and children are among the

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

populations that the state would serve in potential disregard of the above-listed federal laws, including, as stated, Medicare and Medicaid. Benefits Montanans receive under those federal laws would be in danger of elimination at the whim of the Montana Legislature, which could change Montana's health care laws biennially, leaving no federal protections in place.

Tucked into HB 526 is the caveat that the bill is not effective until Congress consents to the right of states to enter the compact and suspend the operation of any conflicting federal law. We will put a person on Neptune before Congress gives this consent. HB 526 is a frivolous measure that does nothing at best, and at worst puts seniors, Montanans with disabilities, and children at risk.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

May 13, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 225 (SB 225), **"AN ACT REVISING QUALIFYING SMALL POWER PRODUCTION FACILITY LAWS; REQUIRING THE PUBLIC SERVICE COMMISSION TO SET RATES USING AVOIDED COST; REQUIRING THE COMMISSION TO CONSIDER ELECTRICITY SUPPLY RESOURCE PROCUREMENT PLANS AND INTEGRATED LEAST-COST RESOURCE PLANS WHEN CONSIDERING QUALIFYING SMALL POWER PRODUCTION FACILITY APPLICATIONS; ESTABLISHING INTERCONNECTION REQUIREMENTS; AMENDING SECTIONS 69-3-601, 69-3-602, AND 69-3-604, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."**

Senate Bill 225 amends Montana statutes implementing the federal Public Utility Regulatory Policies Act (PURPA) and related rules. The bill would both add to and subtract from the criteria that guide the Public Service Commission (PSC) in setting rates for small power production facilities. A prominent amendment to current law found in SB 225 is the direction given to the PSC to base power rates on a consideration of whether a small power production facility has attributes that "meet the needs of a utility as outlined in the utility's plan." Given that the utility's

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

plan is a creation of the utility itself, this rate-setting criterion is totally circular and is in the exclusive self-interest of the utility. This self-serving criterion, which is not found in PURPA, appears contrary to the purpose of the federal law, making it an invitation to litigation.

Additionally, the intent of PURPA is to encourage substantial investments in new power facilities. As with any generation facility, the cost of these new power facilities can only be recovered over the long term. Therefore, it would be a critical mistake to strike the existing statutory language encouraging long-term contracts, which unfortunately is one of the things that SB 225 does.

I also ask legislators to recall that the key portion of SB 225, dealing with avoided cost, is duplicated by the content of HB 92, which was introduced at the request of the Energy and Telecommunications Interim Committee following a request from the Public Service Commission itself, and which I have already signed into law.

Although I sought to cure these identified problems with SB 225 through an amendatory veto, the sponsor of the bill asked the Senate to pass consideration of my proposed amendments and, as a result, those improvements to the bill were never considered by the Legislature.

Given the problems that remain in the bill, I have chosen to veto it to avoid preemption issues, potential litigation, and confusion.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

May 13, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 307 (SB 307), **"AN ACT REVISING THE PRIVATIZATION PLAN REVIEW PROCESS; REQUIRING LEGISLATIVE INTERIM COMMITTEES TO SOLICIT PUBLIC INPUT ON TERMINATING OR PRIVATIZING PROGRAMS; REQUIRING THE LEGISLATIVE AUDITOR TO REVIEW THE RECOMMENDATIONS AND REPORT TO THE LEGISLATURE ON THE ADVANTAGES OR**

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

DISADVANTAGES OF TERMINATING OR PRIVATIZING A PROGRAM AND TO PROVIDE THE GOVERNOR WITH A COPY OF THE REPORT; AMENDING SECTIONS 2-8-102, 2-8-105, 2-8-301, AND 2-8-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

I have vetoed SB 307 because I oppose the major policy shift reflected in the bill to "bust" Montana's state employee unions. The distress caused to workers, residents, and other constituents in the 2011 session when the Legislature proposed privatizing the Montana Veterans Home in Columbia Falls would be repeated with regularity and on a permanent basis should SB 307 take effect. Senate Bill 307 would turn Montana's privatization law on its head.

Where current law requires executive branch agencies to explain and justify any considerations they may have to privatize a program by preparing a detailed privatization plan, including among other things a cost-benefit and qualitative analysis that would be subject to public review and scrutiny (see Title 2, chapter 8, part 3, MCA), SB 307 would institutionalize as the responsibility of every interim legislative committee the task of considering and recommending the privatization of programs as part of the committee's routine functions with no requirement that the detailed factors requiring analysis by executive branch agencies even be considered by the interim committees.

Additionally, I object to the amendment to the definition of the term "privatize" in SB 307. While current law defines "privatizing" as contracting with the private sector for the performance of work currently conducted by public sector employees, under SB 307, privatizing would be defined as the transfer of the "control or management" of state government to the private sector. Montana's constitution provides that the control and management of government lies with its elected officials who are accountable to the people of Montana, not with the private sector. This amendment to the definition of the term "privatize" is extremely troublesome.

Further, I oppose the provision in SB 307 that strikes from current law the right of the public, bargaining agents or employee representatives, elected officials, legislators, and agency directors to submit to the legislative audit committee a request to review programs currently being conducted under contract that may be administered more cost-effectively by the agency. This amendment, like the others, is contrary to sound public policy.

Finally, it is significant that this "pro-privatization" bill comes on the heels of a 2-year pay freeze in the current biennium, agreed to by some of Montana's most dedicated workers, its state employees, and following the Republican majority's rejection this session, for the first time in Montana history, of a pay plan negotiated between the administration and state workers for a meager 1 % and then 3% delayed pay increase (the increases would have gone into effect in January 2012 and January 2013, respectively). Indeed, it is the state workers' agreement to a pay freeze in 2009 that is in part responsible for the fact that Montana is the envy of the states, with a budget surplus exceeding \$300 million. This "pro-privatization" bill is an insult on top of injury to state workers. Shame on the Republican majority.

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

May 13, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 356 (SB 356), **"AN ACT CLARIFYING THE DEFINITION OF "GOOD CAUSE SHOWN" FOR A HEARING ON A TEMPORARY PRELIMINARY DECREE OR PRELIMINARY DECREE; AND AMENDING SECTION 85-2233, MCA."**

Senate Bill 356 amends the statute defining who has standing to object to a water right claim in the Montana Water Court and who is entitled to a hearing. The bill, as written, would grant standing only to a person with an ownership interest in an existing water right, permit, certificate, or state reservation. I believe the standing threshold in the bill, based on ownership status, alone, is insufficient and likely would not survive a constitutional challenge. For example, others with property or constitutional interests at stake that did not constitute "ownership" interests, such as those with leasehold interests or interests under Article IX, section 3(3) of the Montana Constitution. Denying a person the right to object to a water right claim when the person has a substantial interest in the matter raises serious constitutional due process issues that the bill does not address.

I proposed a simple amendment that would have defined those with standing to object as persons not only with an "ownership interest" but with a "leasehold, economic, or other substantial interest." Under my amendment, in order to have standing, an individual would have been required to demonstrate a real interest in the water right, and not simply a general interest as a member of the public. The difference is subtle but important. It would have comported with well-established standing law in Montana and eliminated the constitutional issues raised by SB 356 in its current form.

Since this sensible amendment was rejected, I am left with no choice but to veto the bill.

Sincerely,

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

May 13, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 358 (SB 358), **"AN ACT GENERALLY REVISING TAX INCREMENT FINANCING DISTRICT LAWS; PROVIDING FOR CREATION OF TARGETED ECONOMIC DEVELOPMENT DISTRICTS; ALLOWING COUNTIES TO CREATE TARGETED ECONOMIC DEVELOPMENT DISTRICTS AND TO USE TAX INCREMENT FINANCING; ADDING COMPONENTS THAT MUST BE INCLUDED IN AN URBAN RENEWAL PLAN; REMOVING PROVISIONS FOR CREATION OF AND BONDING IN TECHNOLOGY DISTRICTS, AEROSPACE TRANSPORTATION AND TECHNOLOGY DISTRICTS, AND INDUSTRIAL DISTRICTS; AMENDING SECTIONS 7-15-4282, 7-15-4283, 7-15-4284, 7-15-4286, 7-15-4288, 7-15-4290, 7-15-4292, 7-15-4293, 7-15-4294, 7-15-4301, 7-15-4302, 7-15-4304, AND 7-15-4324, MCA; REPEALING SECTIONS 7-15-4295, 7-15-4296, 7-15-4297, 7-15-4298, 7-15-4299, AND 17-5-820, MCA; AND PROVIDING AN EFFECTIVE DATE."**

Tax increment financing is a helpful economic and community development tool but, as a matter of constitutional requirements and sound public policy, only works if appropriate sideboards are in place consistent with the purposes for which tax increment financing exists -to expand the Montana and local economies and reverse the economic and property value decline in targeted areas. Absent appropriate sideboards, these purposes are lost and tax increment financing stands to swallow up revenues to state and local government, with the potential to create problems of a constitutional magnitude. While SB 358 sought to make the formation of economic development-related tax increment districts more uniform, because the bill as passed lacks the appropriate sideboards to satisfy the constitutional and policy tests, I have chosen to veto it.

The most important problem with SB 358 is one that would endanger the State's constitutional obligation to equalize the funding of schools. As passed, SB 358 allows new property values arising from centrally assessed property --multi-county pipelines, transmission lines, railroads, and the like --to be included in targeted economic development districts, even though the economic decisions that create the investment in such property are not a product of local

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

economic development efforts, but rather a result of national and international economic factors. Hence, it is not appropriate for a local government to capture their value --to the tune of tens of millions of dollars a year taken away from state school funding --in an effort to prop up the financing of a targeted economic development district.

Let me give a real world example. If the local governments along the Keystone XL pipeline were to take unfair advantage of S8 358 and capture the taxable value of the pipeline for local tax increment districts, \$20 million a year in property tax revenue for state school funding would be lost. Given the 30-year average life of tax increment districts, the state, over that time, would lose \$600 million in state school funding.

Lest you think that is an unlikely scenario, one county already has sought to misuse tax increment financing laws to divert major state school equalization property revenues to local uses by creating a tax increment district comprising 512 square miles along an interstate pipeline route -or one third of that county's land area. That particular case is the subject of an ongoing lawsuit. S8 358 as presented to me provides a green light for these same questionable practices to spread elsewhere with serious fiscal consequences for school funding across the state.

In addition to endangering adequate funding of schools in Montana as required by Montana's constitutional equalization standards, S8 358 is flawed in that it:

- does not require economic development planning for the new targeted economic districts sufficient to ensure a well-defined relationship between the growth being planned and the infrastructure to be financed to support that growth;

-

allows property that has no relationship to the purposes of a targeted economic development district to be included in a district on an unlimited basis; and

-

fails to ensure proper collaboration and accountability among governmental units regarding tax revenues that are diverted to use by tax increment districts.

I submitted an amendatory veto to correct these combined problems, but in spite of the fact that my amendments were in the hands of the Legislature for 10 days prior to adjournment sine die, they were never voted on by either chamber.

Montana has a tax increment law that works well without the passage of S8 358, and my veto of S8 358 will not hamper the effective functioning of tax increment financing as an economic development tool. While local infrastructure to support economic development is important, it cannot come at a grave, overly-broad cost to the state that risks compromising school equalization required by the Montana Constitution, which we have spent so many years litigating, improving, and protecting from another challenge. As passed, S8 358 abandons that responsibility and, because of that, I have chosen to veto it.

Sincerely,

BRIAN SCHWEITZER

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

Governor

cc: Legislative Services Division

May 13, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 494 (HB 494), **"AN ACT REVISING PROVISIONS GOVERNING EXEMPTION FROM SUBDIVISION REVIEW FOR THE SALE, RENT, LEASE, OR OTHER CONVEYANCES OF BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS; AMENDING SECTION 76-3-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

I have vetoed HB 494, because the loophole it creates in Montana's Subdivision and Platting Act essentially would swallow the Act. The bill would broaden the Act's exemptions to allow the placement of an unlimited number of residential or commercial structures upon a tract or multiple tracts of record for the purpose of sale, rent, or lease. For example, a developer conceivably could build a shopping mall for lease or rent and be exempt from subdivision review under HB 494. A landowner on a river bank could similarly build an unlimited number of cabins or other structures for lease, unreviewable by the county. Such development would be allowed without any review or mitigation for negative impacts upon public health and safety, local services, or the other review criteria identified in the Subdivision and Platting Act.

Also important to my decision is that the Legislature passed House Joint Resolution No. 39, which will require an interim study of the competing issues acknowledged and debated on this bill, including the preparation of legislation to submit any "fix" to the 63rd Legislature. In fact, today, the Legislative Council voted to direct the Education and Local Government Interim Committee to conduct the study required by the resolution.

Finally, I proposed simple amendments to cure the bill's problems, which the sponsor supported. However, they were rejected without explanation.

While I recognize the importance of the rights and concerns of all the parties involved in the disputes surrounding this issue and agree that the current law should be improved to address problems under it, I believe the better approach to allowing HB 494 go into effect is to give the Legislature time to develop a more balanced response to the individual problems without undermining the current Act in its entirety.

HOUSE JOURNAL
ADDENDUM
62ND LEGISLATURE

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division